

## **PLANS SUB-COMMITTEE NO. 4**

Minutes of the meeting held at 7.00 pm on 19 September 2013

### **Present:**

Councillor Charles Joel (Chairman)  
Councillors Reg Adams, Kathy Bance MBE, Simon Fawthrop,  
Julian Grainger, Kate Lymer and Richard Scoates

### **Also Present:**

Councillors Graham Arthur, Russell Mellor and Michael Tickner

## **11 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillors Lydia Buttinger and Russell Jackson.

## **12 DECLARATIONS OF INTEREST**

There were no declarations of interest reported.

## **13 CONFIRMATION OF MINUTES OF MEETING HELD ON 25 JULY 2013**

RESOLVED that the Minutes of the meeting held on 25 July 2013 be confirmed and signed as a correct record.

## **14 PLANNING APPLICATIONS**

### **SECTION 2**

(Applications meriting special consideration)

#### **14.1 PETTS WOOD AND KNOLL**

**(13/01392/FULL2) - 15 Moorfield Road, Orpington.**

Description of application – Elevational alterations and change of use from office (class B1) to day nursery (class D1) with acoustic fencing.

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

Ward Member, Councillor Simon Fawthrop, spoke on behalf of his fellow Ward Members, Councillors Tony Owen and Douglas Auld, and objected to the application on the grounds of parking, traffic impact

and the affect on the local area.

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

“1. The children attending the day nursery shall be between the ages of three months and five years and not more than twenty-nine children shall be accommodated at any one time. The use of the premises for the purpose permitted shall be limited to Mondays to Fridays inclusive between the hours of 07.30 hours and 18.00 hours.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of nearby properties.

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 BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

(Cllr Simon Fawthrop wished his vote for refusal to be recorded.)

**14.2  
CHELSFIELD AND PRATTS  
BOTTOM**

**(13/01914/FULL1) - The Highway Primary School, The Highway, Orpington.**

Description of application – Detached single storey building for school/scout use.

**THIS REPORT WAS WITHDRAWN BY THE CHIEF PLANNER.**

**14.3  
BICKLEY  
CONSERVATION AREA**

**(13/01940/FULL6) - 9 Sundridge Avenue, Bromley.**

Description of application – Front boundary fence  
**RETROSPECTIVE APPLICATION.**

Oral representations in objection to the application were received at the meeting. Ward Member, Councillor Kate Lymer, said that she and her fellow Ward Members, Councillors Katherine Rideout and Colin P Smith, objected to the application on the poor design of the front boundary fence which detracted from the conservation area.

Members having considered the report, objections and representations, **RESOLVED** that **PERMISSION**

**BE REFUSED**, for the following reason:-

1. The proposal, by reason of its design, would be harmful to the character of the Sundridge Avenue Conservation Area contrary to Policies BE1, BE7 and BE11 of the Unitary Development Plan.

**IT WAS FURTHER RESOLVED** that the previously authorised **ENFORCEMENT ACTION BE CONTINUED**.

**14.4  
BICKLEY**

**(13/02092/FULL2) - Greenwood, Bickley Park Road, Bickley.**

Description of application - Two storey side extension, single storey rear extension and change of use from dwellinghouse (Class C3) to large house in multiple occupation (Sui Generis).

Ward Member, Councillor Kate Lymer, said that she and her fellow Ward Members, Councillors Katherine Rideout and Colin P Smith, objected to the application and that a petition had been signed and received by Planning Department.

Members having considered the report and objections, **RESOLVED** that **PERMISSION BE REFUSED** as recommended, for the reason set out in the report of the Chief Planner.

**14.5  
PETTS WOOD AND KNOLL**

**(13/02391/FULL6) - 12 Great Thrift, Petts Wood.**

Description of application – Single storey rear and part one/two storey side extension, front dormer extension and elevational alterations to front.

Oral representations in objection to and in support of the application were received at the meeting. Ward Member, Councillor Simon Fawthrop, read out a statement that he wished to have minuted. A copy is attached at the end of these minutes marked, 'Appendix A'.

Members having considered the report, objections and representations, **RESOLVED** that **PERMISSION BE REFUSED** for the following reason:-

1. The proposal, by reason of its size and design, would be detrimental to the amenity of neighbouring residents and harmful to the character and appearance of the Petts Wood Area of Special Residential Character contrary to Policies BE1, H8 and H10 of the Unitary Development Plan.

**14.6  
COPERS COPE**

**(13/02432/FULL1) - Clare House Primary School,  
Oakwood Avenue, Beckenham.**

Description of application – Provision of temporary single storey classroom block with entrance lobby, toilets and class stores, plus associated external works including canopy, ramp, steps and fences  
RETROSPECTIVE APPLICATION.

**THIS REPORT WAS WITHDRAWN BY THE CHIEF PLANNER.**

**14.7  
CHELSFIELD AND PRATTS  
BOTTOM**

**(13/02681/FULL6) - 9 Oxenden Wood Road,  
Orpington.**

Description of application - Part one/two storey front, side and rear extensions and increase in roof height to provide habitable accommodation in roof space.

Members having considered the report, **RESOLVED THAT PERMISSION BE GRANTED** as recommended, subject to the conditions and informative set out in the report of the Chief Planner with a further condition to read:-

“7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 1995 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

REASON: In order to comply with Policies BE1 and H8 of the Unitary Development Plan and to prevent an overdevelopment of the site.”

**SECTION 3**

(Applications recommended for permission, approval or consent)

**14.8  
SHORTLANDS**

**(12/03714/FULL6) - 76A Elwill Way, Beckenham.**

Description of application – First floor side extension and extension to existing front porch.

Members having considered the report, **RESOLVED THAT PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner.

**14.9  
WEST WICKHAM**

**(13/01484/FULL1) - 107-109 Station Road, West Wickham.**

Description of application – Part one/two and three storey rear extension providing ancillary storage for ground floor retail unit; creation of 2 x one bedroom and 1 x two bedroom flats covered walkway; elevational alterations.

It was reported that further objections to the application had been received together with a letter from West Wickham Residents' Association. Comments from Highways Division were also reported.

Members having considered the report and objections, **RESOLVED THAT PERMISSION BE GRANTED** as recommended, subject to the conditions and informatives set out in the report of the Chief Planner.

**14.10  
COPERS COPE**

**(13/01535/FULL1) - 10 Copers Cope Road, Beckenham.**

Description of application – Erection of single storey building to rear.

Oral representations from Ward Members, Councillors Russell Mellor and Michael Tickner, in objection to the application were received at the meeting.

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 Chief Planner with three further conditions to read:-  
“3. Before the development hereby permitted is first occupied the proposed windows in the northern and eastern elevations shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and details of any openings shall be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained in accordance with the approved details. In the interests of the privacy of adjoining properties any openings should be at high level.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

4. The development hereby permitted shall only be used as a staff room, office and storage room ancillary to the hotel use at 10 Copers Cope Road and shall not be used as guest or residential accommodation.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and to protect the amenities of neighbouring residents.

5. Before the development hereby permitted is first commenced, details of a planting screen to reduce its impact on neighbouring residents shall be submitted to and approved in writing by the local planning authority and the scheme shall be implemented in the first planting season following first occupation of the development or substantial completion of the building, whichever is sooner.

REASON: To safeguard the amenities of the adjoining residents in accordance with Policy BE1 of the Unitary Development Plan.”

**14.11  
CRAY VALLEY EAST**

**(13/01797/FULL6) - 1 Georges Close, Orpington.**

Description of application – Part one/two storey rear extension.

Members having considered the report, **RESOLVED THAT PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner with a further condition to read:-

“6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 1995 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

REASON: In order to comply with Policies BE1 and H8 of the Unitary Development Plan and to prevent an overdevelopment of the site.”

**14.12  
WEST WICKHAM**

**(13/01847/FULL1) - 131-133 High Street, West Wickham.**

Description of application – Roof alterations to include velux windows, elevation alterations, part one/two storey rear extensions, conversion of first floor, second floor and roof space to provide 1 no x 1 bed and 7 no x 2 bed self-contained units with roof terrace garden areas, 6 parking spaces, cycle and refuse storage.

Oral representations in support of the application were received at the meeting. It was reported that the

Highways Division had no objection to the application. Objections to the application had been received from West Wickham Residents' Association and a neighbouring resident with regard to parking, bulk and impact on amenity. Comments from Environmental Health were also reported.

Councillors Simon Fawthrop and Councillor Julian Grainger were concerned the proposed development would be an over-intensification of the site and lacked amenity and parking and Councillor Fawthrop also referred to his, and to Councillor Reg Adams knowledge of the local area.

The Chief Planner's representative advised that a parking survey had been undertaken on a previous scheme and the Highways Division had taken this into account. He also advised that the bulk aspect of this application had already been permitted and a previous appeal had been dismissed but not on parking grounds.

Members having considered the report, objections and representations, **RESOLVED** that **PERMISSION BE REFUSED** for the following reason:-

1. The proposed development, by reason of the number of units, lack of amenity space for future occupiers and insufficient levels of parking, would result in a cramped over-intensive redevelopment of the site, thereby contrary to Policies BE1, H7 and T3 of the Unitary Development Plan.

**14.13  
HAYES AND CONEY HALL**

**(13/01857/FULL6) - 25 Pickhurst Lane, Hayes.**

Description of application – Part one/two storey side extension and roof alterations to incorporate rear dormer extensions.

It was reported that the application had been amended by documents received on 28 August 2013. It was also reported that on page 82 of the Chief Planner's Report, paragraph four under the heading, 'Conclusions', the second sentence should be amended to read, "The resulting separation from the side boundary is 1.31metres reducing to a minimum of 0.769 metres."

Members having considered the report, **RESOLVED THAT PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner.

**14.14  
WEST WICKHAM**

**(13/02246/FULL6) - 2 High Broom Crescent, West Wickham.**

Description of application – Single storey front, side and rear extension, elevational alterations and decking to rear.

Members having considered the report, **RESOLVED THAT PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner.

**14.15  
CHISLEHURST**

**(13/02349/FULL1) - 44 Highfield Road, Chislehurst.**

Description of application – Demolition of existing bungalow and erection of replacement bungalow with front and rear dormers (Revisions to application ref 10/00465 allowed on appeal to incorporate two storey rear projection).

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

Members having considered the report and representations, **RESOLVED THAT PERMISSION BE GRANTED** as recommended, subject to the conditions and informative set out in the report of the Chief Planner with a further reason to read:-

“8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 1995 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

REASON: In order to comply with Policies BE1 and H8 of the Unitary Development Plan and to prevent an overdevelopment of the site.”

**14.16  
CRAY VALLEY WEST**

**(13/02385/FULL6) - 6 Sutherland Avenue, Petts Wood.**

Description of application – Part one/two storey side and rear extension with raised decking and balustrade.

Members having considered the report, **RESOLVED** that the application **BE DEFERRED**, without prejudice to any future consideration to seek confirmation of the existing spatial standards of the area.



**14.17  
BICKLEY**

**(13/02390/FULL6) - 50 Blackbrook Lane, Bickley.**

Description of application – First floor side and part one/two storey rear extensions, roof alterations to provide habitable accommodation in roof space and rear dormer, front porch and front elevational alterations.

Oral representations in objection to and in support of the application were received at the meeting. It was reported that a letter of support had been received. 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 Chief Planner.

**14.18  
COPERS COPE**

**(13/02589/PLUD) - 68 Copers Cope Road, Beckenham.**

Description of application - Single storey side and two storey rear extensions. Installation of rear and side dormers and other roof alterations  
**CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT.**

Oral representations in objection to and in support of the application were received. Oral representations from Ward Members, Councillors Russell Mellor and Michael Tickner in objection to the application were received at the meeting. It was reported that an objection had been received from North Copers Cope Action Group.

The Chief Planner's representative advised Members that the Permitted Development rights granted by the Government enabled householders to undertake extensions without planning permission, provided the conditions and limitations set out in the General Permitted Development Order were met. If all requirements were complied with, as was the case with the current application, the Council was obliged to issue a Certificate of Lawfulness. Members should therefore take into account the criteria listed on page 105 of the Chief Planner's report prior to making a decision. He further said that the majority of these applications were dealt with under the Chief Planner's delegated powers because they were judged on technical grounds and that if the application had not been called in by a Member then it would have been dealt with in this way.

The Chairman stated that it may be difficult to refuse

the Certificate of Lawfulness for a Proposed Development in this instance. Members requested a legal briefing with clarification on certificate of lawfulness of proposed use or development as noted in the Town and Country Planning Act 1990.

Members having considered the report, objections and representations, **RESOLVED** that the application **BE DEFERRED**, without prejudice to any future consideration to seek further confirmation of the lawfulness of the proposed development and clarification of the matters to be considered in the determination of such applications.

#### **SECTION 4**

(Applications recommended for refusal or disapproval of details)

##### **14.19 HAYES AND CONEY HALL**

##### **(13/02368/FULL6) - 3 Whites Cottages, Pickhurst Green, Hayes.**

Description of application – Two storey side extension.

Oral representations from Ward Member, Councillor Graham Arthur, in support of the application were received at the meeting. Comments from Councillor Mrs Anne Manning and Hayes Village Association in objection to the application were reported. Members having considered the report and representations, **RESOLVED** that the application **BE DEFERRED**, without prejudice to any future decision, for consideration on Section 2 of the agenda of Plans Sub-Committee 2 to be held on 17 October 2013.

##### **14.20 HAYES AND CONEY HALL**

##### **(13/02539/LBC) - 3 Whites Cottages, Pickhurst Green, Hayes.**

Description of application – Two storey side extension LISTED BUILDING CONSENT.

Oral representations from Ward Member, Councillor Graham Arthur, in support of the application were received at the meeting. Comments from Councillor Mrs Anne Manning and Hayes Village Association in objection to the application were reported. Members having considered the report and representations, **RESOLVED** that the application **BE DEFERRED**, without prejudice to any future decision, for consideration on Section 2 of the agenda of Plans Sub-Committee 2 to be held on 17 October 2013.

**14.21  
COPERS COPE  
CONSERVATION AREA**

**(13/02584/RESPA) - 30 High Street, Beckenham.**

Description of application – Change of use of first, second and third floors of 30 High Street, Beckenham from Class B1(a) office to Class C3 dwellinghouses to form 15 studio flats (56 day application for prior approval in respect of transport and highways, contamination and flooding risks under Class J Part 3 of the GPDO).

Oral representations in favour of prior approval not being required were received. Oral representations from Ward Member, Councillor Russell Mellor in objection to the application were received and also from Ward Member, Councillor Michael Tickner, as the former Chairman of the Beckenham Town Centre Working Group were received at the meeting. Both Members were concerned with lack of parking Members having considered the report, objections and representations, **RESOLVED THAT PRIOR APPROVAL IS REQUIRED AND IS REFUSED** for the following reason:-

1. No off-street car parking facilities are proposed within the curtilage of the site and there is insufficient information to demonstrate that the car parking generated by the use would not generate an unacceptable increase in the demand for on-street car parking, prejudicial to the free flow of traffic and conditions of general safety along the adjoining highway, contrary to Policy T3 and T18 of the Unitary Development Plan and the National Planning Policy Framework.

**15 TREE PRESERVATION ORDERS**

**15.1  
COPERS COPE**

**Objections to Tree Preservation Order 2505 at Land Adjoining 76B and 76C The Avenue, Beckenham.**

Oral representations from Ward Members, Councillors Russell Mellor and Michael Tickner in support of the Tree Preservation Order being confirmed were received at the meeting.

Members having considered the report and representations **RESOLVED that TREE PRESERVATION ORDER NO 2505** relating to a plane tree in the street at the front of 76B The Avenue **BE CONFIRMED**, as recommended, in the report of the Chief Planner.

**15.2  
BROMLEY TOWN**

**Objections to Tree Preservation Order 2548 at 25  
and 29 Gwydyr Road, Bromley.**

It was reported that Ward Member, Councillor Nicky Dykes, had written opposing confirmation of the Tree Preservation Order.

Members having considered the report and objections **RESOLVED that TREE PRESERVATION ORDER NO 2548** relating to a sycamore tree in the back garden of 25 Gwydyr Road and an Ash tree in the back garden of 29 Gwydyr Road **BE CONFIRMED**, as recommended in the report of the Chief Planner.

The Meeting ended at 9.50 pm

Chairman

# Minute Annex

## MINUTE ANNEX

### APPENDIX A

#### ITEM 14.5 – (13/02391/FULL6) – 12 GREAT THRIFT, PETTS WOOD

#### REPRESENTATIONS SUBMITTED BY

#### WARD MEMBER, COUNCILLOR SIMON FAWTHROP

In addressing this application I wanted to share some of the background to The Petts Wood Area of Special Residential Character (ASRC).

When the estate was laid out by the developer Basil Scruby He planned out the roads, utilities and plot sizes imposing strict guidelines on materials to be used density and design to meet his vision of a high quality suburb emulating the garden suburb movement and it is this heritage which the ASRC designation seeks to conserve for future generations.

Many of these references are contained within the ASRC policy H10 which refers specifically in para 4.49 to protect against unsympathetic development which would threaten the established character and residential amenity.

These standards are set out in Appendix I of the UDP.

In particular para 1.2 (i) states that developments likely to erode the quality and character of the ASRC shall be resisted. And (ii) residential density shall accord with that existing in the area. (vii) new development will be expected to take account of existing front and rear building lines. On page 37 of the committee report you will notice that this development projects 1 metre beyond the rear building line in contravention of this very strict ASRC policy. Whilst the report mentions impact upon the neighbours, there is a gapping omission in the impact this has on the ASRC.

The report tries to cite previous examples of elements being allowed. However this is a definite case of two wrongs not making a right. This application when considered on its own undermines the ASRC contrary to policy H10. In addition this is an impact in particular on the residential amenity of no. 10 Great Thrift contrary to policy BE1. But also contrary to policy H10 which is implied in the general standards of the area.

The previous refusal under ref 13/01415 did not to my knowledge come before members and may have been dealt with under delegated authority meaning that it did not come under the full scrutiny that it would had it been presented to committee.

Taking this application on its own merits, we can, as democratically elected members, using our local knowledge scrutinise this application in detail and look at the merits or otherwise of this application.

Along with case law on planning we must accept that precedents are not set by previous applications whether approved or refused.

In this particular instance the proposal whilst not creating a terrace does have a terracing effect, it reduces the spatial standards and narrows the street scene which allows views of the magnificent trees that populate the rear gardens in the Petts Wood ASRC. This is part and parcel of the character and nature of the area which exists to have a suburban setting with a rural feel. So is also contrary to policy H8 which refers to the design and density of an area. If member agree with me that this is contrary to policy H10 then I hope they will agree that it is also contrary to policy H8.

Mr Chairman I therefore propose refusal on the grounds of policies H10, H8 and BE1.