

PLANS SUB-COMMITTEE NO. 2

Minutes of the meeting held at 7.00 pm on 20 February 2014

Present:

Councillor Russell Jackson (Chairman)
Councillor Richard Scoates (Vice-Chairman)
Councillors Kathy Bance MBE, Lydia Buttinger, Peter Dean,
Nicky Dykes, Simon Fawthrop, Charles Joel and Tom Papworth

Also Present:

Bob Neill M.P. and Councillors Douglas Auld, Roger Charsley,
David McBride, Russell Mellor, Charles Rideout and
Michael Tickner

22 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Gordon Norrie and Councillor Simon Fawthrop attended as his substitute.

23 DECLARATIONS OF INTEREST

There were no declarations of interest reported.

24 CONFIRMATION OF MINUTES OF MEETING HELD ON 12 DECEMBER 2013

RESOLVED that the Minutes of the meeting held on 12 December 2013 be confirmed.

25 PLANNING APPLICATIONS

SECTION 2

(Applications meriting special consideration)

25.1 DARWIN

(13/03699/FULL2) - Old Hill Farm, Old Hill, Orpington.

Description of application – Change of use of existing building to mausoleum with associated landscaping, elevational alterations, hardstanding and parking for 25 cars.

Oral representations in objection to and in support of the application were received at the meeting. It was

reported that further objections to the application had been received and that the Environmental Health Officer had raised no objection. Correspondence had also been received from local residents that included a request by an objector for the Sub-Committee to consider the conclusions of guidance issued by the Cemeteries and Crematoria Association of Victoria, Australia.

It was also reported that Jo Johnson MP had raised the possibility of legislation being drafted in the United Kingdom to cover mausoleums and the Sub-Committee was advised by the Chief Planner's representative that whilst concerns raised in this regard were acknowledged, the lack of statutory regulation for mausoleums was not a planning consideration.

Various correspondence had also been received regarding the existing uses at the site, its current occupiers and their intentions. Concerns that the applicant had misled the Council had been raised in respect of tenancy information, but this was not taken into consideration as it was irrelevant in the determination of the application.

An officer site visit had taken place during the week that had established the current use of Building 2 was considered to be Class B8 storage and distribution, and confirmation had been received from the former tenant that Building 2 was vacated on 1 February 2014. Tenants currently occupied Building 1 and this building was considered to be a mixed B1 and B8 use.

The Unitary Development Plan did not require demonstration that marketing of the premises had taken place, nor the advertisement of part vacancy of the premises, or the nature of the existing businesses, or whether current occupiers wished to remain at the site.

Reference had been made to Policy EMP3 by objectors but this was irrelevant as the only office use within the existing building was considered to be ancillary. In general the EMP Policies from the Unitary Development Plan were not relevant to this proposal as it involved the replacement, rather than the loss of a commercial use, although Councillor Simon Fawthrop asked whether Policy EMP6 could be relevant and the Chief Planner's Representative

agreed that it could. Members were concerned about the impact of the proposed use on the amenity of local residents particularly in light of the lack of examples of mausoleums in the UK. Councillor Nicky Dykes considered that the nearest properties were some distance way.

Residents and some of the Sub-Committee Members had concerns regarding the viability of the proposed business and future funding and maintenance of the site. The Chief Planner's representative advised that whilst such concerns were acknowledged, there were no planning policies that could support a ground of refusal in relation to this matter.

A Supreme Court case, (*Health and Safety Executive v Wolverhampton City Council – 2012*) had been submitted by the objector to suggest that when making its decision, the Council should have regard to the potential financial consequences of the proposed scheme. However this Supreme Court decision related to a discontinuance order which differed from a planning application decision. Legal advice had been sought and the viability of the proposed business was not a land use consideration, and therefore irrelevant to the consideration of this application and neither was the background or experience of the applicant. Notwithstanding the above, the Chief Planner's representative advised that the applicant had confirmed that the application site would be owned and managed by a UK based company and, if planning permission was granted, a proportion of the sales would be put into a sinking fund for the long term maintenance of the site in perpetuity, alongside an annual management fee payable by customers.

Ward Member, Councillor Richard Scoates raised concerns regarding the impact of the proposal on the Green Belt and suggested that it was an inappropriate development. The Chief Planner's representative advised that the re-use of buildings could not in itself be considered inappropriate although the Sub-Committee Members could consider whether the use preserved the openness of the Green Belt or conflicted with the purposes of including land within it.

Ward Member, Councillor Richard Scoates, and Councillors Lydia Buttinger, Russell Jackson and Charles Joel were concerned that Highways Division

had no objection to the application bearing in mind their local knowledge of the area, road layouts and traffic issues in the immediate vicinity and the lack of other examples of such development.

Councillor Peter Dean understood that it was an emotive application and in his opinion, it met with the Green Belt policy and that whilst the future cost of maintenance was an issue, it was not a planning concern and could not be taken into account.

Councillor Russell Jackson raised concerns regarding the impact of external storage on the Green Belt.

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

1. The proposal, in the absence of any suitably justified information to demonstrate otherwise, would give rise to potentially unsafe conditions in the public highway and harm to the openness and character of the Green Belt by reason of uncontrolled and potentially indiscriminate parking within the site and on the local highway network, contrary to Policies G1 and T18 of the Bromley Unitary Development Plan and the National Planning Policy Framework 2012.
2. In the absence of any detailed information submitted with the application to demonstrate otherwise, the proposal would give rise to significant adverse impact on the amenity of the surrounding properties by reason of noise, odours and contamination contrary to Unitary Development Plan Policies BE1(v) and EMP6 and the National Planning Policy Framework 2012.

(Councillor Peter Dean wished his vote for 'permission' to be recorded.)

25.2 COPERS COPE

(13/04099/FULL1) - St Michael's Court, 81 Foxgrove Road, Beckenham.

Description of application – Two storey side extension to provide 2 x two bedroom flats (following permission granted on appeal under ref: 12/04040/FULL1) plus 2 x one bedroom flats within new and existing roofspace, with associated landscaping and parking.

Oral representations from Ward Members, Councillors Russell Mellor and Michael Tickner 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.

**25.3
CRAY VALLEY EAST**

(13/04147/FULL1) - Lower Hockenden Farm, Hockenden Lane, Swanley.

Description of application – Demolition of buildings 7, 10 and 11 and erection of part one part two storey building for Class B1, B2 and B8 use.

Oral representations in objection to the application were received. Oral representations from Ward Member, Councillor David McBride, in objection to the application were received at the meeting. It was reported that if the application were to be refused then an Enforcement Notice that had been held in abeyance since November 2013 would be issued. Members having considered the report, objections and representations, **RESOLVED** that **PERMISSION BE REFUSED** for the following reasons:-

1. The proposed building would constitute inappropriate development in the Green Belt and no very special circumstances have been provided which would outweigh the harm caused, and it is therefore contrary to Policy G1 of the Unitary Development Plan and the National Planning Policy Framework 2012.
2. The proposed building, by reason of its height, size and design would be harmful to the openness and character of the Green Belt and this rural location in general, contrary to Policies BE1, BE3, and G1 of the Unitary Development Plan and the National Planning Policy Framework 2012.

**25.4
MOTTINGHAM AND
CHISLEHURST NORTH**

(13/04160/FULL1) - The Porcupine, 24 Mottingham Road, Mottingham.

Description of application - Demolition of the Porcupine public house and erection of a two storey building to provide a retail foodstore comprising 800sqm sales area with ancillary storage, office, servicing area and 35 car parking spaces.

Oral representations in objection to and in support of the application were received. Oral representations from Bob Neill MP and Ward Member, Councillor Charles Rideout, in objection to the application were received at the meeting. Councillor Rideout informed the Sub-Committee that Councillor John Hills from the adjoining Ward in the London Borough of Greenwich

was present in the public gallery and that he objected to the application.

Bob Neil MP said the site of The Porcupine was steeped in history and there was huge support to retain the public house and the proposed demolition was of great concern to the residents of Mottingham as it was a central part of the village community. He had held the position of Community Pubs Minister, and had debated the proposed demolition of The Porcupine public house in the Chamber of the House of Commons on 21 May 2013 and he referred to his letter of objection to the Council dated 31 January 2014 and commended the Chief Planner's report.

In Bob Neill MP's opinion The Porcupine's present owner had deliberately run the public house down and sought to dispose of it for development against the community's wishes and he felt that with the right management team in place, it could be a viable public house again. He had serious concerns regarding community safety, pedestrians, parking, traffic and the loss of two statutorily protected mature trees and he thanked those residents of Mottingham who had initiated the campaign to retain The Porcupine and acknowledged the overwhelming strength of feeling and support in the community.

It was reported that further objections to the application had been received together with letters of support. It was reported that the application had been amended by documents received on 18 February 2014 and 20 February 2014. The Sub-Committee Members had also been provided with a copy of a submission from the applicant dated 19 February 2014.

Late additional transport information from applicant had been received which included amendments to the access arrangements and showed a pedestrian route through the car park. Late representations had also been received from a transport consultant on behalf of Mottingham Residents' Association. The Highway Engineer has reviewed all of the relevant submitted information and did not consider that the proposed ground of refusal number 1 had been overcome.

It was reported that the applicant had met with the Crime Prevention Officer who had made the following comments:

“The company have now indicated that they would secure the site out of hours by gating it at the entrance with a 2 metre high gate, however looking at this practically I believe any gate would have to be set back to satisfy Highways. To make my position clear the furthest a gate could be set back from the front building line and still offer the security required for the site would be at a position indicated on the site plan between parking spaces 25 and 26 and cutting through space 31 opposite.”

It was also reported that the Highway Engineer had indicated that this would unacceptably affect the parking layout, and from a visual impact point of view there may also be issues with such an enclosure. It was therefore the Officers' view that refusal ground 3 has not been overcome. There was no acceptable and deliverable off site planting scheme that was considered to adequately mitigate the loss of two protected trees on site.

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

**25.5
SHORTLANDS
CONSERVATION AREA**

(13/04185/FULL6) - 7 Wickham Way, Beckenham.

Description of application – Single 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.

**25.6
PENGE AND CATOR**

(13/04218/FULL1) - 2A Kingswood Road, Penge.

Description of application – Demolition of existing industrial building and ancillary offices and erection of a two storey building providing four 2 bedroom flats with associated landscaping, parking, cycle and bin storage.

Oral representations in support of the application were received at the meeting. Ward Member, Councillor Kathy Bance MBE, reported that neither she, nor her fellow Ward Members, had any objection to the application.

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

(Subsequent to the meeting it was decided not to issue the decision following additional neighbour consultation. The application would be reconsidered at Plans Sub-Committee 4 on 20 March 2014.)

**25.7
CHISLEHURST**

(13/04236/VAR) - Rivendale, The Drive, Chislehurst.

Description of application - Variation of conditions 7, 8 and 10 of permission reference 12/00267 to enable revised landscaping/hardstanding layout.
RETROSPECTIVE APPLICATION.

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

“1. The landscaping scheme as shown on the drawings approved under ref. 12/00267 and subsequently revised under ref. 13/04236 shall be maintained as such. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally planted.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

2. The boundary enclosures indicated on the drawings approved under ref. 12/00267 shall be completed before any part of the development hereby permitted is first occupied and shall be permanently retained thereafter.

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

3. The parking spaces and/or garages and turning space within the site shall be completed in accordance with the details approved under ref. 12/00267 and subsequently revised under ref. 13/04236 details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development Order 1995 (or any Order

amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.)

REASON: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

4. Before the development hereby permitted is first occupied, the proposed window(s) serving the first floor en-suites/bathrooms of the two dwellings hereby permitted shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such.

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

5. No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the first floor elevation(s) of the two dwellings hereby permitted, without the prior approval in writing of the Local Planning Authority.

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

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: To enable the Council to consider future development on the site in the interest of neighbouring amenity and in the interest of the visual amenities of the area, in accordance with Policies BE1 and H7 of the Unitary Development Plan.”

**25.8
CRAY VALLEY EAST**

**(13/04252/FULL1) - Lower Hockenden Farm,
Hockenden Lane, Swanley.**

Description of application – Detached agricultural building (PART RETROSPECTIVE incorporating elevational alterations).

THIS REPORT WAS WITHDRAWN BY THE

APPLICANT.

**25.9
KELSEY AND EDEN PARK**

**(14/00044/FULL6) - 25 Oakfield Gardens,
Beckenham.**

Description of application – First floor side extension and elevational alterations.

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.

SECTION 3

(Applications recommended for permission, approval or consent)

**25.10
COPERS COPE
CONSERVATION AREA**

**(13/03073/ELUD) - North Dene, Beckenham Place
Park, Beckenham.**

Description of application – Conversion and use as 5 self - contained flats **CERTIFICATE OF LAWFULNESS FOR AN EXISTING DEVELOPMENT.**

Oral representations in objection to and in support of the application were received. Oral representations from Ward Members, Councillor Russell Mellor in support of the application and Councillor Michael Tickner in objection to the application, were received at the meeting. It was reported that further objections to the application had been received.

Members having considered the report, objections and representations, **RESOLVED THAT A CERTIFICATE OF LAWFULNESS FOR AN EXISTING DEVELOPMENT BE GRANTED** as recommended, in the report of the Chief Planner.

**25.11
SHORTLANDS**

(13/03966/FULL6) - 17 Celtic Avenue, Shortlands.

Description of application – Two storey rear extension and elevational alterations.

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

Members having considered the report, objections and representations **RESOLVED THAT THE APPLICATION BE DEFERRED**, without prejudice to any future consideration, to be permitted under the Chief Planner's delegated authority subject to suitable wording for Condition 4.

**25.12
WEST WICKHAM**

(13/04032/FULL2) - Global House, Rear of 38-40 High Street, West Wickham.

Description of application – Change of use from class B1A (office) to use class C3 (residential) to create a 2 one bedroom flats and 3 one bedroom flats with study, external alterations to building including new doors, windows and alteration to external finishes.

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

**25.13
PETTS WOOD AND KNOLL**

(13/04079/FULL6) - 12 Great Thrift, Petts Wood.

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

Oral representations in support of the application were received at the meeting. Ward Member, Councillor Simon Fawthrop, referred to The Planning Inspectorate's Dismissed Appeal Decision dated 3 December 2013 (APP/G5180/D/13/2206260) for this property and in particular to paragraphs 6 and 7. Members having considered the report, objections and representations, **RESOLVED** that **PERMISSION BE REFUSED** for the following reason:-

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

**25.14
MOTTINGHAM AND
CHISLEHURST NORTH**

(13/04096/FULL1) - 54 - 56 Mottingham Road, Mottingham.

Description of application – Single 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 an informative to read:-

INFORMATIVE: The applicant is advised to contact Thames Water regarding a sewer which is located within the application site.

**25.15
COPERS COPE**

(13/04100/FULL6) - 1 The Gardens, Beckenham.

Description of application – Part one/two storey front/side extension with front dormer and single storey rear extension and elevational alterations.

THIS REPORT WAS WITHDRAWN BY THE APPLICANT.

**25.16
FARNBOROUGH AND
CROFTON**

(13/04103/FULL1) - Darrick Wood Secondary School, Lovibonds Avenue, Orpington.

Description of application – Refurbishment of artificial turf pitch with replacement 4.5m high perimeter fencing and refurbished floodlighting, and increased hours of use.

Oral representations in support of the application were received at the meeting. Councillor Charles Joel reported that he had discussed the matter with his fellow Ward Members and Residents' Association and they supported the application in principle, but were concerned at the prospect of increased traffic and parking in the local vicinity, in particular in Lovibonds Avenue, and their preference was to maintain the existing hours of use.

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.

**25.17
KELSEY AND EDEN PARK**

(13/04106/FULL6) - 91 Abbots Way, Beckenham.

Description of application – Two storey side 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.

**25.18
COPERS COPE**

(13/04115/FULL2) - 182A High Street, Beckenham.

Description of application - Change of use to a mixed use of B1 and B8.

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 support of the application were received at the meeting. It was reported that the application had been amended by documents received on 11 February 2014.

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 a further condition to read:-

“6. Before the development hereby permitted is first occupied, the proposed windows to the west elevation shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such.

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

**25.19
PETTS WOOD AND KNOLL**

(13/04151/FULL6) - 44 Towncourt Crescent, Petts Wood.

Description of application – Increased height of the first floor rear flat roof and side parapet wall

RETROSPECTIVE APPLICATION.

Oral representations in objection to the application were received. Oral representations from Ward Member, Councillor Douglas Auld, in objection to the application were received at the meeting. Councillor Auld was concerned at the loss of amenity, daylight, sunlight and prospect to 42 Towncourt Crescent, and also the design and appearance in an area of special residential character.

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

1. The proposed extensions by reason of their height and design would have a seriously detrimental effect on the daylighting, sunlighting and prospect to the neighbouring property, and the character and visual amenities of the area, thereby contrary to Policies BE1, H8 and H10 of the Unitary Development Plan.

It was **FURTHER RESOLVED** that **ENFORCEMENT ACTION BE AUTHORISED** to revert to the approved scheme permitted in September 2012 under reference 12/01455FULL6.

(Councillor Peter Dean wished his vote for permission

to be recorded.)

**25.20
CHISLEHURST
CONSERVATION AREA**

(13/04186/FULL6) - One Oak, Southill Road, Chislehurst.

Description of application – Ground floor front and rear extensions and formation of first floor accommodation to form two storey dwelling.

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

**25.21
COPERS COPE**

(13/04217/FULL1) - 182A High Street, Beckenham.

Description of application – General refurbishment (including internal works), mechanical extract and the insulation and render to the external envelope of the entire building. Demolition of existing single storey WC block and erection of two storey extension; formation of new window openings and installation of new windows, doors and replacement fire escape staircase.

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 support of the application were received at the meeting. It was reported that the application had been amended by documents received on 11 February 2014.

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 a further condition to read:-
“8. Before any work is commenced details of parking spaces and/or garages and sufficient turning space shall be submitted to and approved in writing by the Local Planning Authority and such provision shall be completed before the commencement of the use of the land or building hereby permitted and shall thereafter be kept available for such use. No development whether permitted by the Town and Country Planning (General Permitted Development Order) 1995 (or any Order amending, revoking and re-enacting this Order) or not, shall be carried out on the land or garages indicated or in such a position as to

preclude vehicular access to the said land or garages.
REASON: In order to comply with Policy T3 of the
Unitary Development Plan and to avoid development
without adequate parking or garage provision, which
is likely to lead to parking inconvenient to other road
users and would be detrimental to amenities and
prejudicial to road safety.”

The Meeting ended at 9.40 pm

Chairman