

PLANS SUB-COMMITTEE NO. 1

Minutes of the meeting held at 7.00 pm on 22 January 2015

Present:

Councillor Alexa Michael (Chairman)
Councillor Charles Joel (Vice-Chairman)
Councillors Douglas Auld, Teresa Ball, Kevin Brooks,
Lydia Buttinger, Alan Collins, Russell Mellor and Tony Owen

Also Present:

Councillors Nicholas Bennett J.P. and Mary Cooke

22 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Katy Boughey, Ian Dunn and Ellie Harmer and Councillors Russell Mellor, Kevin Brooks and Tony Owen attended as their substitutes respectively. An apology for absence was also received from Councillor Terence Nathan.

23 DECLARATIONS OF INTEREST

There were no declarations of interest reported.

24 CONFIRMATION OF MINUTES OF MEETING HELD ON 20 NOVEMBER 2014

RESOLVED that the Minutes of the meeting held on 20 November 2014 be confirmed.

25 PLANNING APPLICATIONS

SECTION 1

(Applications submitted by the London Borough of Bromley)

25.1 BIGGIN HILL

(14/04232/REG3) - Valley Hall Community Centre, Sunningvale Avenue, Biggin Hill.

Description of application – Elevational alterations to change window to door on western elevation fronting Churchside Close.

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 2

(Applications meriting special consideration)

**25.2
WEST WICKHAM**

**(14/03324/FULL1) - Summit House, Glebe Way,
West Wickham.**

Description of application – Demolition of existing buildings and redevelopment to provide a four storey building comprising 1,623sqm Class A1 (retail) use at ground floor and 54 residential units at first, second and third floor (8x1 bedroom, 43x2 bedroom and 3x3 bedroom) with associated car parking, landscaping and infrastructure.

Oral representations in support of the application were received. Oral representations from Ward Member, Councillor Nicholas Bennett JP, in support of the application were received at the meeting. Councillor Bennett also spoke on behalf of his fellow Ward Members, Councillors Hannah Gray and Tom Philpott. A supporting statement from the applicant, a late representation in support of the application and further proposed conditions by Environmental Health had been circulated to Members.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION be GRANTED, SUBJECT TO A LEGAL AGREEMENT** in respect of health and education contributions, as recommended and subject to the conditions and informatives set out in the report of the Chief Planner with an amendment to Condition 4 and eight further conditions to read:-

“4. Notwithstanding the materials indicated on the approved drawings, details and samples of all external materials, including roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out in accordance with the approved details.

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

26. At any time the combined noise level from all fixed plant at this site in terms of dB(A) shall be 10 decibels below the relevant minimum background

noise level, LA90(15mins) measured at any noise-sensitive building. This requirement shall be subject to an absolute lower limit of 28dB(A) so that at times when the minimum background L90 level is below 38dB the plant noise rating requirement does not fall below 28dB(A). If the plant has a distinctive tonal or intermittent nature the predicted noise level of the plant shall be increased by a further 5dBA. Thus if the predicted noise level is 40dB(A) from the plant alone and the plant has a tonal nature, the 40dB(A) shall be increased to 45dB(A) for comparison with the background level. The L90 spectra can be used to help determine whether the plant will be perceived as tonal.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and Policy 7.15 of the London Plan and to ensure a satisfactory standard of residential amenity.

27. A scheme for protecting the proposed dwellings from traffic noise (including glazing\facade and ventilation specifications in line with the recommendations of Grant Acoustic report GA-2014-0025-R1 of August 2014) shall be submitted to and approved in writing by or on behalf of the Local Planning Authority before development commences and the scheme shall be fully implemented before any of the dwellings are occupied and permanently maintained as such thereafter.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and Policy 7.15 of the London Plan and to ensure a satisfactory standard of residential amenity.

28. A scheme for reducing traffic noise on the proposed balconies on the Northern Façade (which shall include imperforate front screen\balustrades and Class A absorption on the balcony soffits) shall be submitted to and approved in writing by or on behalf of the Local Planning Authority before development commences and the scheme shall be fully implemented before any of the dwellings are occupied and permanently maintained as such thereafter.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and Policy 7.15 of the London Plan and to ensure a satisfactory standard of residential amenity.

29. Before external illumination becomes operational, full details of the lighting scheme including type, orientation and screening of the lights shall be submitted to and approved by the Local Planning Authority and shall be permanently maintained as

approved thereafter.

REASON: In order to comply with Policy ER10 of the Unitary Development Plan and in the interest of amenity and public safety.

30. Air Quality mitigations during the construction phase shall be fully in accordance with Table 6.1 of submitted Ardent Air Quality report reference T930-05 of August 2014.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and Policy 7.15 of the London Plan and to ensure a satisfactory standard of residential amenity.

31. In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NO_x emission rate of <40mg/kWh.

REASON: In order to comply with Policy 7.14 of the London Plan and the National Planning Policy Framework and to minimise the effect of the development on local air quality to ensure a satisfactory standard of residential amenity.

32. No part of the development hereby permitted shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to and approved in writing by the Local Planning Authority.

a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval in writing. The desk study shall detail the history of the sites uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved in writing by the Local Planning Authority prior to investigations commencing on site.

b) The site investigation, including relevant soil, soil gas, surface water and groundwater sampling shall be approved in writing by the Local Planning Authority.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors, a proposed remediation strategy and a quality assurance scheme regarding implementation of remedial works, and no remediation works shall commence on site prior to approval of these matters in writing by the Authority. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment.

d) The approved remediation works shall be carried

out in full on site in accordance with the approved quality assurance scheme to demonstrate compliance with the proposed methodology and best practise guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.

e) Upon completion of the works, a closure report shall be submitted to and approved in writing by the Authority. The closure report shall include details of the remediation works carried out, (including of waste materials removed from the site), the quality assurance certificates and details of post-remediation sampling.

f) The contaminated land assessment, site investigation (including report), remediation works and closure report shall all be carried out by contractor(s) approved in writing by the Local Planning Authority. REASON: In order to comply with Policy ER7 of the Unitary Development Plan and to prevent harm to human health and pollution of the environment.

33. Demolition works shall not begin until a dust management plan for protecting nearby residents and commercial occupiers from dust and other environmental effects has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The development shall not be carried out other than in accordance with the approved dust management plan.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and London Plan Supplementary Planning Guidance: The Control of Dust and Emissions During Construction and Demolition Guidance and to protect the amenity of nearby residents and commercial occupiers.”

**25.3
PETTS WOOD AND KNOLL**

(14/03768/FULL1) - 26 Mayfield Avenue, Orpington.

Description of application – Detached two storey 4 bedroom dwelling with integral garage and vehicular access on Land to the rear of Nos. 26 and 28 Mayfield Avenue fronting Brookside.

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

been circulated to Members and comments from Ward Member, Councillor Simon Fawthrop, were reported. Councillor Auld objected to the application and a copy of his statement on behalf of himself, and his two fellow Ward Members, are attached as Appendix 1 to these Minutes.

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

1. The proposal would be an overdevelopment of the site, out of character with the locality thereby detrimental to its visual amenities contrary to Policies H7 and BE1 of the Unitary Development Plan.
2. The proposal would give rise to an unacceptable degree of overlooking and loss of privacy and amenity to the occupiers of the adjoining properties contrary to Policy BE1 of the Unitary Development Plan.
3. The proposal would result in the loss of previously undeveloped garden land which contributes to the character and spatial standards of the area, contrary to Paragraph 53 of the National Planning Policy Framework, Policy 3.5 of the London Plan and Policy H7 of the Unitary Development Plan.

**25.4
BROMLEY COMMON AND
KESTON
CONSERVATION AREA**

(14/04148/FULL1) - Bracken House, Westerham Road, Keston.

Description of application - Single storey rear extension to form pre-school (D1).

Oral representations in objection to the application were received at the meeting.

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 with a further reason to read:-

“REASON 3: The proposal, by reason of associated vehicular movements, would be detrimental to the free-flow of traffic along Westerham Road, detrimental to general highway safety conditions, and contrary to Policy T18 of the Unitary Development Plan.”

**25.5
PETTS WOOD AND KNOLL**

(14/04309/FULL1) - Mega House, Crest View Drive, Petts Wood.

Description of application – Erection of roof extension to form part fourth floor to provide office accommodation (Use Class B1(a)).

THIS REPORT WAS WITHDRAWN BY THE CHIEF PLANNER.

**25.6
SHORTLANDS**

(14/04487/FULL6) - 14 Pickhurst Park, Bromley.

Description of application – Part one/two storey front/side/rear and single storey rear extensions.

Oral representations in support of the application were received. Oral representations from Ward Member, Councillor Mary Cooke, in support of the application were received at the meeting. It was reported that a signed petition in support of the application had been circulated to Members.

Members having considered the report and representations, **RESOLVED that the application BE DEFERRED**, without prejudice to any future consideration to set the extension in from the main front elevation by 1 metre.

SECTION 3

(Applications recommended for permission, approval or consent)

**25.7
HAYES AND CONEY HALL**

(14/03779/FULL6) - 17 Hartfield Crescent, West Wickham.

Description of application - Single storey rear extension RETROSPECTIVE APPLICATION.

Oral representations in support of 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.

**25.8
BROMLEY COMMON AND
KESTON**

(14/04289/FULL2) - Carisbrooke House, 1A Pope Road, Bromley.

Description of application – Change of use of building from doctors surgery (Use Class D1) to three residential flats (Use Class C3) Incorporating single storey front infill extension.

Oral representations in support of 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 and informatives set out in the report of the Chief Planner with two further conditions to read:-
“10. No trees on the site shall be felled, lopped, topped or pruned before or during building operations except with the prior agreement in writing by the Local

Planning Authority. Any trees removed or which die through lopping, topping or pruning shall be replaced in the next planting season with trees of such size and species as may be agreed with the Authority.

REASON: In order to comply with Policy NE7 of the Unitary Development Plan and to ensure that as many trees as possible are preserved at this stage, in the interest of amenity.

11. No trenches, pipelines for services or drains shall be sited under the spread of the canopy of any tree or tree group shown to be retained on the submitted plans without the prior agreement in writing by the Local Planning Authority.

REASON: In order to comply with Policy NE7 of the Unitary Development Plan and to ensure that all existing trees to be retained on the site are adequately protected.”

IT WAS FURTHER RESOLVED that the Chief Planner consider whether the tree at the front of the site is suitable for protection by the making of a Tree Preservation Order.

**25.9
PETTS WOOD AND KNOLL**

(14/04311/FULL1) - Mega House, Crest View Drive, Petts Wood.

Description of application – Elevational alterations to existing building.

THIS REPORT WAS WITHDRAWN BY THE CHIEF PLANNER.

**25.10
HAYES AND CONEY HALL**

(14/04391/FULL6) - 15 Hambro Avenue, Hayes.

Description of application – Part one/two storey side/rear and single storey front extensions.

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.

**25.11
KELSEY AND EDEN PARK**

(14/04526/FULL6) - 50 Stone Park Avenue, Beckenham.

Description of application – First floor 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.

**25.12
FARNBOROUGH AND
CROFTON**

(14/04543/FULL6) - 7 Topcliffe Drive, Orpington.

Description of application – Part one/two storey rear and single storey side extensions.

Oral representations in objection to 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 increase the side space separation to 1 metre.

APPENDIX 1 TO MINUTES 22 JANUARY 2015 ATTACHED

The Meeting ended at 8.10 pm

Chairman

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Bromley Council Plans Sub Committee 1 - 22nd January

Agenda Item 4.3

26, Mayfield Avenue, Orpington, Kent, BR6 0AL

Madam Chairman

What I have to say this evening is fully supported by my two Ward colleagues Cllrs. Simon Fawthrop and Tony Owen. The former 'called in' this application and the latter is on the committee this evening. My comments are also supported by the existing residents in the road called Brookside.

This item relates to an application to build a detached two storey, four bedroom dwelling with integral garage and vehicular access, fronting onto Brookside, on garden land to the rear of 26 and 28, Mayfield Avenue.

Brookside is a fairly short narrow road, some four metres wide, culminating in a small turning area and a cul de sac. There are detached houses on either side of the road. I parked my car there this morning in the vicinity of where the crossover to the proposed property would be. It would have been impossible for anything larger than another car to get past my car without going onto the pavement

You will have noted from the report at the bottom of page 33, that opposite the application site nos.12 and 13, Brookside, were constructed in the late 1970's on part of the rear gardens of 22 and 24, Mayfield Avenue having been granted permission on appeal. However that permission in the 70's is now long outdated and was granted many years before the introduction of Bromley's own Unitary Development Plan of 2006 and the most recent London Plan which came into effect on the 22nd July 2011. This London Plan replaced an earlier London Plan of 2004, which was republished with amendments in 2008.

One of the objectives of the London Mayor's current London Plan was/is to greatly reduce the number of houses being built in back or rear gardens, commonly known as garden grabbing. Prior to 2011, back gardens were in the same brownfield category as derelict factories, disused railway sidings, etc. The 2011 London Plan removed rear gardens from that classification which removed the almost inevitable previous result that applications for developments in rear gardens would one way or another be approved and gave local councils more freedom in arriving at decisions. Although it is not impossible to obtain permission for such developments it is also Bromley Council's current general policy to resist such applications.

Mention is also made in the report, page 35, CONCLUSIONS, second paragraph, of an allegedly similar scheme in Westholme, the next side road along from Brookside. There are strong similarities in these two roads including length and width, but there the similarity ends as there are differences as to what was permitted in Westholme on appeal and what is proposed in the application being considered this evening for Brookside. I also visited Westholme and noted that three cars were parked on the right hand side of the road near the entrance from Mayfield Avenue. One of them

was parked half on the pavement. I got passed them, but again it would have been impossible for a larger vehicle to do so without going onto the pavement.

According to the developers of the scheme being considered this evening the appeal as regards Westholme was granted in November 2010. Again this was before the change of policy introduced by the London Plan in July 2011, and in any event the Appeal Inspector in that instance would have reached his/her decision based on the policies in vogue on the date the original application was refused by Bromley Council.

As you will have noted from the top of page 35 of the report, a previous application for a four bedroom house on this site was refused in 2008, on the grounds of 1) an overdevelopment of the site and out of character with the locality thereby detrimental to its visual amenities, contrary to policies H7 and BE1 of the Unitary Development Plan and 2) the proposal would give rise to an unacceptable degree of overlooking and loss of privacy to the occupiers of the adjoining properties, contrary to policy BE1 of the UDP.

I cannot see that much has altered since 2008 and would add to these two grounds the relevant policy in the London Plan 2011 and Bromley's own general policy.

I also have serious reservations concerning parking and the free movement of traffic in Brookside and indeed Westholme. My Ward colleague Cllr. Owen has had a dialogue over a lengthy period of time with the Environmental Department concerning this. I am at a loss to understand the Highway Engineer's comment.

This is quite clearly a rear garden development application and an overdevelopment of the site and I propose that the application is refused on grounds of the National Planning Policy Framework, the London Plan 2011 and policy BE1 of Bromley Council's Unitary Development Plan 2006.

Thank you

Douglas Auld
Cllr. Petts Wood & Knoll
London Borough of Bromley