

PLANS SUB-COMMITTEE NO. 4

Minutes of the meeting held at 7.00 pm on 5 December 2019

Present:

Councillor Richard Scoates (Chairman)
Councillor Simon Fawthrop (Vice-Chairman)
Councillors Gareth Allatt, Vanessa Allen,
Nicholas Bennett J.P., Mark Brock, Peter Dean,
Kate Lymer and Michael Turner

Also Present:

Councillors William Huntington-Thresher

14 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Marina Ahmad, Aisha Cuthbert and Nicky Dykes; Councillors Vanessa Allen, Mark Brock and Nicholas Bennett JP attended as their respective substitutes.

15 DECLARATIONS OF INTEREST

Councillor Scoates declared a non-pecuniary interest in Item 4.2 as a close relative resided within the area. He did not take part in the vote.

Councillor Fawthrop declared a non-pecuniary interest in Item 4.2 as he was acquainted with the speaker in objection to the application who was a member of the Conservative Club.

Councillor Bennett JP declared a non-pecuniary interest in Item 4.4 as discussions had taken place between himself and the applicant.

Councillor Brock declared a non-pecuniary interest in Item 4.4 as e-mail correspondence had taken place between himself and the applicant.

16 CONFIRMATION OF MINUTES OF MEETING HELD ON 10 OCTOBER 2019

RESOLVED that the Minutes of the meeting held on 10 October 2019 be confirmed and signed as a correct record.

17 PLANNING APPLICATIONS

SECTION 2

(Applications meriting special consideration)

17.1 DARWIN

**(19/00729/ELUD) - 287 Main Road, Biggin Hill,
TN16 3JJ**

Description of application – This Lawful Development application seeks to establish the use of extensions (identified as red, blue and green in Exhibit 1) to detached building and residential use ancillary to main dwellinghouse for more than four years before the date of the application (11.02.2019).

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

The Legal Representative advised that the Certificate of Lawfulness was solely for the rear extension to the outbuilding as identified in the application. Despite those further extensions to the outbuilding being added, the overall use of the site including the original dwellinghouse remained as a single dwelling house. Government guidance suggested that if there was no evidence to refute the information that the outbuilding had been continually occupied for more than four years preceding the date of the application, then a Certificate of Lawfulness should be granted. The extension was originally built in 2007 and occupied by the applicant's disabled mother who passed away in 2011. At the end of 2013 and in early 2014, a second extension was added and the applicant's son moved into the building in 2014. A further single storey rear element and decking (not included in this application) was added in 2018. Satisfied that the extension as applied for had been occupied for a period of more than four years, the Legal Representative supported the granting of a Certificate.

Whilst Members were in favour of granting a Certificate, they were concerned about the addition of the single storey rear element and decking in 2018 and suggested that these be investigated as a separate issue.

Members having considered the report, objections and representations, **RESOLVED that a CERTIFICATE OF LAWFULNESS BE GRANTED** as recommended in the report of the Assistant Director,

Planning with the addition of an informative to read:-

The applicants are reminded that there are elements of unlawful development on site. These are subject to a separate enforcement investigation.

**17.2
ORPINGTON**

**(19/01345/FULL1) - 146 Charterhouse Road,
Orpington, BR6 9EU**

Description of application – Demolition of 5 existing houses and associated structures and erection of 28 residential units comprising an apartment block with 9x1 bed and 11x2 bed units and 8x3 bed houses together with basement car parking with access from Saltwood Close, surface level car parking, cycle parking, refuse and recycling facilities and associated landscaping.

Oral representations in objection to and in support of the application were received. Oral representations from Ward Member Councillor William Huntington-Thresher in objection to the application were received at the meeting.

The Principal Planner gave the following updates:-

Objections

- One late objection had been received which reflected comments already contained in the report.

Scheme Value

- The independent consultant appointed by the Council concluded that the scheme would generate a surplus of £99,000 which was enough to support a payment in-lieu (PIL) of affordable housing on the site but would leave little scope to reduce the scale of the development. The consultant had confirmed that this sum would not be sufficient for an onsite affordable housing unit and a PIL would be most appropriate.

Contamination

- The Environment Agency raised no objections subject to the addition of various conditions contained in the document circulated to Members.

Bats

- Further survey work was recommended in the Preliminary Ecological Appraisal. Further conditions regarding this were proposed.

Children's Play Space

- A further condition to secure the provision of on-site children's play equipment was recommended.

Motions to permit the scheme and to seek specific amendments having failed to pass, Members having considered the report, objections and representations, **RESOLVED that the application be DEFERRED without prejudice to any future consideration to be reported to a meeting of the Development Control Committee and the applicant advised to consider density, design, on-site affordable housing and electric car charging points.**

17.3 CRYSTAL PALACE

(19/01532/FULL1) - 4 Elder Oak Close, Penge, London, SE20 8BJ

Description of application – Part one/part two storey side/rear extension, roof alterations incorporating rear dormer and rooflights to front roofslope, external elevations and conversion into two residential units (2 x 3-bed flats).

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 Assistant Director, Planning with the addition of a further two conditions and one informative to read:-

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no change of use of any kind permitted by Class L (Houses of Multiple Occupation) of Part 3 of Schedule 2 of the 2015 Order (as amended), shall be undertaken within the curtilage of the dwelling without the prior approval in writing of the Local Planning Authority.

Reason: To enable the Council to consider future development at the site in the interest of local amenity, in accordance with Policies 6, 9 and 37 of the Council's Local Plan (2019).

9 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the details as set out in this planning permission 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 (England 2015) (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 30 of the Bromley Local 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.

Informative

17 You are advised to seek the advice of the Building Control Section at the Civic Centre (on 020 8313 4313, or e-mail: buildingcontrol@bromley.gov.uk) regarding the need for Building Regulations approval for the works, including with regards to sound insulation/noise transference between the flats.

17.4 WEST WICKHAM

(19/02722/FULL1) - Old Beccehamian RFC, Sparrows Den Sports Ground, Corkscrew Hill, West Wickham, BR4 9BB

Description of application – Part one/two storey extension including first floor balcony and terrace, elevational alterations, amended external staircase and internal reconfiguration to clubhouse to provide additional facilities.

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

It was reported that a further letter of support had been received.

Members suggested that if permission was granted, the relevant conditions (including the requirement for an Archaeological Survey to be carried out and the species of trees to be planted), should be delegated to the Assistant Director, Planning following consultation with the Chairman.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE GRANTED** subject to the agreement of appropriate conditions (including conditions relating to replacement trees, surface water drainage and programme of archaeological works) to be determined by the Assistant Director, Planning in consultation with the Chairman.

SECTION 3

(Applications recommended for permission, approval or consent)

17.5 HAYES AND CONEY HALL

(19/03042/FULL1) - Regal House, 10 Letchworth Drive, Bromley BR2 9BE

Description of application – Demolition of existing 2 storey part vacant offices and the construction of a flatted block comprising 9 x 2 bedroom apartments, together with demolition of 9 garages and the provision of off-street parking and refuse storage. Works also include the erection of a new external staircase to the side of 12 Letchworth Drive.

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

It was reported that a further four objections, similar to those already contained in the report, had been received.

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 Assistant Director, Planning with the addition of a further condition and one informative to read:-

20 Prior to first occupation of the development, a minimum of 20% parking spaces shall be provided with active electric vehicle charging facilities, with passive provision for all remaining spaces. The details of both active and passive electric charging units including the location of the spaces shall be

submitted to and approved by the Local Planning Authority prior to the installation and the approved details shall be permanently retained as such thereafter.

Reason: In order to ensure adequate parking provision and facility to meet the needs of future residents and in accordance with London Plan Policy 6.13 and Bromley Local Plan Policy 30 and Draft London Plan Policy T6.1.

Informative

3 You should consult the Street Naming and Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: address.management@bromley.gov.uk regarding street naming and numbering. Fees and application forms are available on the council's website at www.bromley.gov.uk

**17.6
SHORTLANDS
CONSERVATION AREA**

(19/03824/FULL6) - 17 Wickham Way, Beckenham, BR3 3AA

Description of application – First floor side extension, ground floor infill extension under existing rear bay, front veranda, re-rendering together with internal and external alterations.

Members having considered the report, **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report of the Assistant Director, Planning.

SECTION 4

(Applications recommended for refusal or disapproval of details)

**17.7
CHELSFIELD AND PRATTS
BOTTOM**

(19/02741/FULL1) - Knockholt Farm, New Years Lane, Knockholt, Sevenoaks, TN14 7PQ

Description of application – External changes to existing building including installation and replacement walls, windows and doors, and change of use of land from agricultural to residential.

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

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

BE REFUSED as recommended, for the reason set out in the report of the Assistant Director, Planning.

18 CONTRAVENTIONS AND OTHER ISSUES

18.1 ENFORCEMENT ACTION UPDATE - BRONZE WORKS, KANGLEY BRIDGE ROAD, LOWER SYDENHAM, LONDON SE26 5AY

Under planning ref.17/02072 the Council refused a lawful development certificate for use of the front building known as the 'Bronze Works' for 8 flats (Class C3) pursuant to grant of prior approval under planning ref. 13/03598. A subsequent appeal was allowed on the basis of a corrected description for the use of the building for 1 flat only. Following a High Court challenge however, the Inspector's decision was quashed on one specific issue; that the Inspector should have also had regard to the test set out in relevant case law [Welwyn Hatfield BC v SSCLG [2011] UKSG 15 and Impey v SSe (1984) 47 P &CR 157] as to when a material change of use could be said to have occurred in the process of conversion to residential use. The Court ordered that the appeal be re-determined and a new date for a Public Inquiry was scheduled for 21 January 2020. It was therefore necessary to establish the expediency of taking enforcement action on the 7 remaining flats which the Council considered to be unlawful lest they acquired passage of time immunity from enforcement. In addition, the report clarified the Council's stance on this matter at the forthcoming Public Inquiry.

Oral representations in objection to enforcement action being taken were received at the meeting.

The Legal Representative acknowledged that whilst one flat was deemed lawful, there was an issue regarding the remaining seven. However, at the present time, he considered the best way to proceed was for Members to note the report until such time as the Inspector's decision on the Public Inquiry had been received, following which, a further report would be submitted for consideration.

Further correspondence from the owner of the property, together with a letter from his acting Solicitors, had been received and circulated to Members.

Having considered the report, objections and representations, Members **RESOLVED that the report be noted and a further report be submitted to a Plans Sub-Committee when the outcome of the appeal is known or an earlier Plans Sub-Committee in the event that the appeal decision is delayed.**

The meeting ended at 8.30 pm

Chairman