

## **PLANS SUB-COMMITTEE NO. 2**

Minutes of the meeting held at 7.00 pm on 1 September 2022

### **Present:**

Councillor Mark Brock (Chairman)  
Councillor Simon Fawthrop (Vice-Chairman)  
Councillors Jonathan Andrews, Will Connolly, Peter Dean,  
Tony Owen, Shaun Slator and Ryan Thomson

### **Also Present:**

Councillors Alisa Igoe, Alexa Michael, Mark Smith and  
Michael Tickner

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

Apologies for absence were received from Councillors Kira Gabbert and Keith Onslow, and Councillors Shaun Slator and Tony Owen attended as their respective substitutes.

## **2 DECLARATIONS OF INTEREST**

Councillor Peter Dean declared a non-pecuniary interest in Item 4.2 as a member of the Natwest Bank Sports Club. Councillor Dean stated that he would remain in the Council Chamber during this item, but would not participate in the debate or vote.

In relation to items 4.3 and 4.5, visiting Ward Member Councillor Mark Smith advised that he was a member of the Chislehurst Society.

## **3 CONFIRMATION OF MINUTES OF MEETING HELD ON 21st APRIL 2022**

The minutes of the meeting held on 21<sup>st</sup> April 2022 were confirmed and signed as a correct record.

## **4 PLANNING APPLICATIONS**

### **4.1 BIGGIN HILL (21/00847/FULL1) - 1 Maple Leaf Close, Biggin Hill, TN16 3JW**

Description of application – Alterations to roof of both blocks (1-12 & 13-22 Maple Leaf Close) consisting of addition of third floor mansard roof extensions with dormer windows at third floor level to provide

additional residential units consisting of a total of 2x1 bedroom flats and 2x2 bedroom flats (1x1 bedroom and 1x2 bedroom per block), with associated provision of additional parking, sheltered cycle storage and refuse/recycle storage.

**THE REPORT WAS WITHDRAWN BY THE APPLICANT.**

#### **4.2 COPERS COPE**

#### **(21/03379/FULL1) - National Westminster Sports Ground, Copers Cope Road, Beckenham, BR3 1NZ**

Description of application – Installation of a fuel tank for the storage of heating oil (retrospective application).

The Principal Planner - Major Developments reported that if Members were minded to approve the application, an additional condition was recommended in relation to an updated energy strategy, which would be specifically linked to the combustion of fuel from the tank.

Oral representations in objection to the application were received at the meeting. Oral representations in support of the application were also received from the agent, who gave the following responses to Members' questions:

- It was not known if a structural survey of the cesspit had been undertaken – it was highlighted that structural considerations were not usually a planning consideration. There may be a building control certificate, however this was not something that he would necessarily be aware of.
- The boiler/plant related to the under-pitch heating for Pitch No. 1, which would only be used at the very coldest points in winter to prevent it from freezing. This application was for the stationing of the tank, and storage of fuel – the use of the boilers was controlled by the main permission for the whole site. They would be looking to reengage with officers regarding the lawfulness of the use of the infrastructure.
- Three conditions were associated with the use of the plant/boiler in the main planning consent – air quality, noise and energy/carbon emissions. The air quality condition had been

discharged and, in relation to the other two conditions, they intended to provide officers with more information to ensure they were content.

- It was anticipated that the Football Club would be prepared to undertake additional landscaping, interwoven in the trellis, to hide the tank.

Oral representation from visiting Ward Member Councillor Michael Tickner in objection to the application were also received at the meeting. Councillor Tickner highlighted that the fuel tank had been placed in an Area of Special Residential Character (ASRC), and immediately adjacent to Metropolitan Open Land (MOL). It was proposed that the tank be sited on top of an Edwardian cesspit which was still in use by the Bowls Club. There were safety concerns as the tank would contain 10,000 litres of heating oil, which weighed 8 tonnes when full. There were also issues around visual amenity – it was questioned whether it was correct for Members to agree to a fuel tank being located above ground, with no housing, in an ASRC. The fuel would be used for under-pitch heating and should be located underground, if possible. Placing the fuel tank in the proposed location was considered to be contrary to policy 53 of Bromley's Local Plan and D13 (Part E) of the London Plan. In summary, Councillor Tickner highlighted that there were serious safety concerns, and, from a planning view, the fuel tank would harm the visual amenity. It was noted that the fuel linked to the boiler plant, which was refused by the Local Authority on 3<sup>rd</sup> March 2022. Councillor Tickner urged the Committee to refuse the application.

In response to questions, the Principal Planner - Major Developments clarified that the cesspit itself was not a planning consideration. The application site was technically within the ASRC boundary; however it was understood that it should have been removed, and the boundary would be redrawn in the next Local Plan.

Committee Member and Ward Member Councillor Connolly said that Crystal Palace Football Club was hugely valuable to the Borough, and did a lot for young people. However there were safety concerns in relation to the cesspit, which were connected to the integrity of the concrete base. There were also concerns around air and noise pollution which could

not be tested until there was an approved application for the boiler/plant. Councillor Connolly moved that the application be deferred to align with the use of the boiler.

Councillor Thomson said that the application should be deferred until the boiler was approved and checks could be undertaken in relation to air quality and emissions – he also agreed with the comments made by Councillor Tickner regarding the ASRC. Councillor Thomson seconded the motion for deferral.

The Motion for deferral was put to a vote and LOST.

In response to questions, the Principal Planner - Major Developments clarified that, in relation to the impact on residential amenity, Planning Policy covered air quality, noise and other nuisances, but not structural integrity, which was covered under separate Building Control legislation and could not be duplicated. Similarly, the Health and Safety Executive (HSE) dealt with the storage of fuel over a certain volume, and the application did not meet this threshold.

Councillor Fawthrop moved that the application be refused on grounds relating to the visual impact on the MOL.

Councillor Owen seconded the motion for refusal.

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

***The fuel tank, by reason of its siting and design, results in a detrimental impact on the visual amenities of the adjoining Metropolitan Open Land; thereby contrary to Policy 53 of the Bromley Local Plan (2019).***

#### 4.3 CHISLEHURST CONSERVATION AREA

#### **(21/05386/FULL1) - Kemnal Park Cemetery Sidcup By Pass Road Chislehurst BR7 6RR**

Description of application – Hard and soft landscaping of Zone 3 of Kemnal Park cemetery including the introduction of additional burial plots and carparking.

The Principal Planner - Major Developments reported that further information had been received from an

objector and circulated to Members. It was noted that the matters raised were reflected within the report. An amended site plan had also been circulated.

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

Oral representation from visiting Ward Member Councillor Mark Smith were also received at the meeting. Councillor Smith said that he did not oppose the application, but Ward colleagues had concerns which were reflected in the comments made by Chislehurst Society on page 53 of the report, regarding 'the decimation of ancient woodland that has taken place recently is much greater than any of the permissions would lead one to expect and some comments suggest that some of the clearances were done accidentally'. Councillor Smith said he had visited the site with Councillor Stammers and had been staggered by the number of trees felled. In relation to replanting of the site, a total of 153 trees sounded impressive, but when the size of the plot and the map showing the trees at full maturity were considered, it was not felt to be substantial enough, and more tree planting needs to be undertaken. It was suggested that the 'Woodland Management Plan' become a pre-commencement condition and a full report on tree Planting be commissioned from the Forestry Commission or Woodland Trust. Councillor Smith said he supported the suggestion to use a Tree Preservation Order (TPO) on this site – the 100 small whips referenced were planted before the hot summer and it was likely that many would now be in a poor condition, so tree planning needed to be put in force on this site.

In response to questions, the Principal Tree Officer advised that the Woodland TPO could be applied to the specific site plan, or the whole site – however it was designed for woodland, and not open grassland, which was the majority of the site. To avoid delays, a Woodland Management Plan would provide a route forward, and making a TPO could be considered in due course.

Members having considered the report, objections and representations, **RESOLVED:**

- i.) to ask officers to consider making a Woodland TPO.
- ii.) that **PERMISSION BE GRANTED** as

recommended, subject to the conditions set out in the report of the Assistant Director, Planning with the addition of a further condition for Woodland Management:-

**6. P Non-standard pre-commencement condition: Woodland Management Plan;**

***Prior to commencement of the development hereby approved, a woodland management plan for the area detailed as New Woodland Planting shall be submitted to, and approved in writing by, the Local Planning Authority. The management plan should be prepared by a qualified and experienced forestry or arboricultural consultant and include;***

- i. type and frequency of management operations to achieve and sustain canopy, understorey and ground cover***

***The trees in the area detailed as New Woodland Planting shall then be managed in accordance with the approved management plan for a period of 5 years from the first burial on the land shown on drawing Zone 3 General Site Layout (D200009\_CDS\_EN\_ZZ-DR-L-023 REV 11).***

***Reason: Required to ensure that the woodland area is satisfactorily maintained in the interest of nature conservation and the visual amenity of the area and to accord with Policies 37, 43 and 74 of the Bromley Local Plan (2019).***

**4.4  
PETTS WOOD AND KNOLL  
CONSERVATION AREA**

**(22/00179/FULL6) - 23 The Covert, Petts Wood, Orpington, BR6 0BT**

Description of application – Single storey side extension.

The Head of Development Management reported that further comments of support had been received from the applicant and circulated to Members, asking that they take into account the following:

- the applicants were happy to commit to whatever design specifications were felt necessary;
- the proposed side extension, was modest in size and would not result in "terracing"; and,

- the applicants had already agreed to a greater set-back from the front of the house to minimise the impact on their neighbours.

Committee Member and Ward Member Councillor Fawthrop said that he had called-in this application for two reasons:

1. the impact on the neighbouring amenity of no. 21 The Covert as well as the visual outlook from that address; and,
2. the impact of the proposals on The Covert Conservation Area, particularly the unbalancing of the pair of Noel Rees semi-detached properties, which would be visible from the street scene. This needed to be taken in context of both the Conservation Area and the Area of Special Residential Character descriptions.

It was acknowledged that the applicant had revised the scheme to minimise the impact on the street scene, however the examples of similar side extensions listed in paragraph 7.13 of the report were historic, and permitted prior to the introduction of the Conservation Area and before the current Local Plan was adopted. The report did not demonstrate the public benefit of the application, particularly in relation to side space, and did not preserve the character of the Conservation Area and Area of Special Residential Character. It was considered that spaces or gaps between buildings must be maintained where it contributed to the character of an area. Therefore the application was contrary to Policies 6b, 8, 41 and 44 in the Local Plan as it eroded the character of the Conservation Area and Area of Special Residential Character and impacted upon side space. Councillor Fawthrop's comments are attached at Appendix A.

Councillor Andrews said that he agreed with the comments made by Councillor Fawthrop. It was highlighted that paragraph 7.14 stated that the LBB Conservation Officer had reported that the proposed side extension "*would have a minimal negative impact in the Conservation Area*". This did not enhance the Conservation Area, as required by Policy 41 of the Local Plan, and he therefore moved that the application be refused for the reasons stated by Councillor Fawthrop.

Councillor Dean seconded the motion for refusal.

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

***The proposed single storey side extension, by reason of its siting, would erode the space between the host dwelling and neighbouring property and harm the symmetry of the pair of semi-detached dwellings, and would therefore fail to preserve or enhance the character and appearance of The Covert, Petts Wood Conservation Area and Petts Wood Area of Special Residential Character within which it lies; thereby contrary to Policies 6, 8, 41 and 44 of the Bromley Local Plan (2019).***

**4.5  
CHISLEHURST  
CONSERVATION AREA**

**(22/01225/FULL6) - Graylings, Camden Way,  
Chislehurst, BR7 5HT**

Description of application – Demolition of existing conservatory and erection of new lower ground, ground & first floor rear extension along with new first floor front extension and erection of detached garage. The Head of Development Management advised Members that the detached garage, referenced in the description, had been removed from the application.

Oral representations in support of the application were received at the meeting. The agent had circulated images, and gave the following response to Members' questions:

- There was a contemporary house located immediately next door to the property, and all the houses in the cul-de-sac were individually designed. Various contemporary dwellings on Camden Park Road had been approved as replacement properties – therefore the contemporary remodelling of this property was not considered to be out of keeping in the area.

Oral representation from visiting Ward Member Councillor Mark Smith in support of the application were also received at the meeting. Councillor Smith said that there was a range of different property designs along Camden Park Road and Camden Way. Most of Chislehurst was within a Conservation Area so applications were often viewed giving consideration as to whether they made a positive contribution to the area. This was subjective; however this application



was of a very high quality and, taken alongside other properties in Camden Way, would enhance the area. It was highlighted that no local residents, nor the Chislehurst Society, had objected to the application. The Conservation Area consideration did have to be “filtered” through supplementary planning guidance for this area, which stated the need for caution around mock-Tudor architecture. This property was described as mock-Tudor; however panels were attached instead of beams. Councillor Smith urged the Committee to approve the application in order to enhance the wider area.

Members having considered the report and representations, **RESOLVED** that **PERMISSION BE REFUSED** as recommended, for the reasons set out in the report of the Assistant Director, Planning.

#### 4.6 KELSEY AND EDEN PARK

#### **(22/02271/FULL6) - 22 Wagtail Walk, Beckenham**

Description of application – Demolition of existing detached garage and erection of part two storey/part single storey rear extension and two storey side extension.

The Head of Development Management reported that further written comments had been received from the applicant’s planning consultant in support of application and circulated to Members.

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

**N Non-standard condition: Removal of PD rights;**

***4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting this Order) no development permitted by Class A, AA, B, C, D and E of Part 1 of Schedule 2 of the Order shall be carried out.***

***Reason: In the interests of protecting the character of the area and residential amenity of***

***neighbouring properties in accordance with Policy 37 of the Bromley Local Plan.***

**4.7  
PENGE AND CATOR**

**(22/02393/ADV) - Land outside 200 Kent House Rd, Beckenham, BR3 1UN**

Description of application – Village Sign.

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

**4.8  
HAYES AND CONEY HALL**

**(22/02548/FULL6) - 11 Hartfield Road BR4 9DA**

Description of application – Demolition of existing conservatory and replacement with single storey rear extension. (RETROSPECTIVE)

The Principal Planner - Major Developments reported that the application to develop the rear of the site with three new dwellings had now been validated.

Oral representation from visiting Ward Member Councillor Alexa Michael were also received at the meeting. Councillor Michael said she was aware that the extension was contained at the back of the property and was located on the footprint of the conservatory; however neighbours were concerned about the removal of trees and hedges which would impact on their residential amenity. It was noted that by the time the retrospective application had been received, most of the mature trees and shrubs had been felled. Councillor Michael highlighted that the Council was doing as much as it could to plant more trees – if Members were minded to allow this application, it was suggested that provision to replant trees and soft landscaping could be included in the conditions to lessen the impact.

In response to a question, the Principal Planner - Major Developments advised that the LBB Tree Officer had not objected to the application on arboricultural grounds. It was confirmed that no trees or hedges were to be removed as part of this application – this had been stated by the applicant on the application form.

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

**N Non-standard condition: Removal of PD rights;**

***4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting this Order) no development permitted by Class A, AA, B, C, and D of Part 1 of Schedule 2 of the Order shall be carried out.***

***Reason: In the interests of protecting the character of the area and residential amenity of neighbouring properties in accordance with Policy 37 of the Bromley Local Plan.***

## **5 CONTRAVENTIONS AND OTHER ISSUES**

**5.1  
ST PAUL'S CRAY**

**DIRECT ACTION - 24 SAXVILLE ROAD,  
ORPINGTON, BR5 3AW**

**Report HPR2022/042**

**THE REPORT WAS WITHDRAWN BY THE  
ENFORCEMENT & APPEALS MANAGER.**

**5.2  
KELSEY AND EDEN PARK**

**DIRECT ACTION - 9 HOLLY CRESCENT, BR3 3DL**

**Report HPR2022/041**

**THE REPORT WAS WITHDRAWN BY THE  
ENFORCEMENT & APPEALS MANAGER.**

The Meeting ended at 8.37 pm

Chairman

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## COMMENTS RECEIVED FROM COUNCILLOR FAWTHROP

### Item 4.4 - 23 The Covert

Mr Chairman

In future I do believe it would be sensible for these applications to contain the call-in reasons submitted by the Councillor initiating the Call In, as that would prevent a lot of repetition and would help distil the issues for member.

There are two primary reasons for the Call In

- 1) The impact on the neighbouring amenity of no.21 The Covert as well as the visual outlook from that address
- 2) The impact of the proposals on The Covert Conservation Area, particularly the unbalancing of the pair of Noel Rees semi-detached properties, which would be visible from the street scene. This needs to be taken in context of both the Conservation Area and the Area of Special Residential Character descriptions.

In fairness to the applicant they have revised the scheme and pulled the extension further backwards from the front building line to help mitigate the impact upon the street scene of the unbalancing of this pair of semi-detached properties.

Whilst the report on page 79 paragraph 7.13 refers to other properties that have side extensions these are historic, so for example no. 27 was 2014, both No. 44 and 46 were in 2016 all way before the Conservation Area was introduced and before the current local Plan was adopted. Two things have to be borne in mind firstly there is no such thing as a precedent in planning as each case is considered on its own merits and that since those applications the material planning considerations have changed considerably with the introduction of the Conservation Area and new local Plan. Even before this became a Conservation Area there was an appeal at no. 44 The Covert for a roof light which was turned down by the inspectorate, which is another material planning consideration and must have a strong bearing on this application given the Local Plan was then in force. I have circulated a copy for members consideration and refer to the decision in paragraph 5. the inspector states "the symmetry between pairs of houses is of importance in defining the character of the area." It also goes on to state in paragraph 7. "The effect ..... whilst being relatively small, caused imbalance to the pair of dwellings. Its projection appears awkward, overly modern and incongruous. Owing to this unique setting, it does not respect, enhance and strengthen the special and distinctive qualities of the ASRC." All of which could be applied to this application.

Within the report in paragraph 7.8 it states that the harm has to be weighed against the public benefits of the proposal, including optimal viable use. The report does not demonstrate the public benefits of the application, particularly given that the existing

side space is considerably eroded as a result of the proposal, notwithstanding what is stated in paragraph 7.14.

I also take argument with paragraph 7.15 which is clearly wrong, as it doesn't preserve the character of the ASRC or Conservation Area, whether the impact is detrimental is a matter of opinion where I would take a different view to that contained within the report. I would apply Policy 6b which states "space or gaps between buildings should be respected or maintained where these contribute to the character of the area;" The side space is part of the character of the area and makes a positive contribution to the Conservation Area and ASRC,

Therefore I would conclude that the application is contrary to policies 6b, 8, 41 and 44 of the Bromley Local Plan and ask that colleagues propose that this application be refused. On the grounds stated.

If for some reason members are not with me on this then I would ask that conditions be attached to the application to add protections to the area those being a the removal of PD rights for the dwellinghouse which could allow the Conservation Area standards to be eroded as well as maintaining the property as a family home by removing rights to convert this to an HMO.