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3rd April 2023

To: Members of the
PLANS SUB-COMMITTEE NO. 1

Councillor Alexa Michael (Chairman)
Councillor Charles Joel (Vice-Chairman)
Councillors Graeme Casey, Kira Gabbert, Christine Harris, Ruth McGregor,
Tony Owen, Shaun Slator and Mark Smith

A meeting of the Plans Sub-Committee No. 1 will be held at Bromley Civic Centre on
THURSDAY 13 APRIL 2023 AT 7.00 PM

TASNIM SHAWKAT
Director of Corporate Services & Governance

Members of the public can speak at Plans Sub-Committee meetings on planning reports, contravention reports or tree preservation orders. To do so, you must have

- already written to the Council expressing your view on the particular matter, and
- indicated your wish to speak by contacting the Democratic Services team by no later than 10.00am on the working day before the date of the meeting.

These public contributions will be at the discretion of the Chairman. They will normally be limited to two speakers per proposal (one for and one against), each with three minutes to put their view across.

To register to speak please telephone Democratic Services on 020 8313 4316

If you have further enquiries or need further information on the content of any of the applications being considered at this meeting, please contact our Planning Division on 020 8313 4956 or e-mail planning@bromley.gov.uk

Information on the outline decisions taken will usually be available on our website (see below) within a day of the meeting.

Copies of the documents referred to below can be obtained from
<http://cds.bromley.gov.uk/>

A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF MINUTES OF MEETING HELD ON 9TH FEBRUARY 2023**
(Pages 1 - 4)
- 4 **PLANNING APPLICATIONS**

4.1	Darwin	5 - 14	(22/04204/PLUD) - 5 Leaves Green Crescent, Keston BR2 6DN
4.2	Chelsfield	15 - 26	(23/00246PLUD) - Lillys, Chelsfield Lane, Orpington, BR6 6NN.

5 **CONTRAVENTIONS AND OTHER ISSUES**

NO REPORTS

6 **TREE PRESERVATION ORDERS**

NO REPORTS

The Council's [Local Planning Protocol and Code of Conduct](#) sets out how planning applications are dealt with in Bromley.

PLANS SUB-COMMITTEE NO. 1

Minutes of the meeting held at 7.00 pm on 9 February 2023

Present:

Councillor Alexa Michael (Chairman)
Councillor Charles Joel (Vice-Chairman)
Councillors Graeme Casey, Kira Gabbert, Christine Harris,
Ruth McGregor, Tony Owen, Shaun Slator and Mark Smith

Also Present:

Councillors Mike Jack and Angela Page

13 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

None received.

14 DECLARATIONS OF INTEREST

None received.

With regard to Agenda Item 16.2, Councillor Alexa Michael informed Committee Members that she knew one of the visiting speakers as a Member of the Conservative Party, and they had also delivered leaflets on her behalf.

15 CONFIRMATION OF MINUTES OF MEETING HELD ON 13TH OCTOBER 2022

The Minutes of the meeting held on 13th October 2022 were agreed and signed as a correct record.

16 PLANNING APPLICATIONS

16.1 CHELSFIELD

**(22/02720/FULL1) - The Holding, Chelsfield Hill,
Orpington, BR6 7SL**

Conversion of stable building to 3-bedroom dwellinghouse with associated parking and amenity space.

An oral representation was received from the applicant in support of the application. The applicant

explained/confirmed to Members that the application was not from a developer and the plan was to build a family home, with consideration to the surrounding Green Belt land.

An oral representation was received from Visiting Ward Member, Councillor Angela Page, with concerns raised on behalf of Chelsfield Park Residents Association. The concerns related to the site being within Green Belt area, issues for nature conservation and it being within an Area of Special Residential Character.

Members having considered the report, objections and representations **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report.

Additional conditions as follows:

1. **Removal of existing hard surfacing prior to first occupation.**
2. **Removal of existing extension element as shown on the plans prior to first occupation.**
3. **New landscaping (hard and soft)**

Remove condition 15 (Building Regulations M4(2) - accessible and adaptable dwellings).

**16.2
HAYES AND CONEY HALL**

**(22/03084/FULL6) - 1 Hartfield Road, West
Wickham, BR4 9DA.**

The construction of a part side and rear first floor extension.

An oral representation was received at the meeting from a neighbour in objection to the application. Members were informed of concerns regarding the rear element of the plans and the subsequent effect on loss of light.

An oral representation was received on behalf of the applicants in support of the application. It was confirmed to Members that previous plans/proposals had been changed to satisfy previous recommendations and meet guidelines.

Ward Member, Councillor Alexa Michael, gave an oral representation highlighting concerns regarding the effect of the plans on the neighbouring property.

Members having considered the report, objections and representations **RESOLVED that the application be DEFERRED** without prejudice for the following reasons:

To seek a reduction in the size of the first floor extension. To request calculations be provided by the applicant to indicate how No. 3 Hartfield Road would be impacted by loss of light and overshadowing.

16.3
CHISLEHURST

(22/03120/ELUD) – 96 Imperial Way, Chislehurst, BR7 6JR.

Change of use from use class C3 to C4 House of Multiple Occupation. LAWFUL DEVELOPMENT CERTIFICATE (EXISTING).

An oral representation was received from a neighbour in objection to the application.

A visiting Ward Member, Councillor Mike Jack, gave an oral representation to the Committee highlighting concerns in objection to the application.

Members of the Committee discussed the issue of whether the property was in use as an HMO prior to 1 September 2022 and whether documentary evidence provided by the applicant was sufficient to be accepted as confirmation.

Members having considered the report, objections and representations **RESOLVED that the application be DEFERRED** without prejudice for the following reasons:

For further information as to whether the use commenced before 1st September 2022 and for copies of the applicant's evidence to be provided to Members.

**16.4
PLAISTOW**

(22/05038/FULL1) - Burnt Ash Children and Family Centre, Burnt Ash Primary School, Rangefield Road, Bromley, BR1 4QX.

Elevational alterations to existing premises (Burnt Ash Children and Family Centre) to replace windows to training room and reception area with patio doors.

Committee Members heard a statement from the Chairman, Councillor Alexa Michael, read on behalf of Ward Members Councillors Alisa Iqoe and Tony McPartlan, in support of the application.

Members having considered the report, objections and representations **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report.

An informative is to be added to read:

The applicant should consider safety measures for the patio doors including appropriate glass and markings given the use of the site by young children.

17

CONTRAVENTIONS AND OTHER ISSUES

NO REPORTS

18

TREE PRESERVATION ORDERS

NO REPORTS

The Meeting ended at 8.30 pm

Chairman

Agenda Item 4.1

Committee Date	13 th of April 2023	
Address	5 Leaves Green Crescent Keston BR2 6DN	
Application Number	22/04204/PLUD	Officer – Joanna Wu
Ward	Darwin	
Proposal	Siting of a caravan/ mobile home within the rear garden area of the existing property for purposes incidental to the enjoyment of the dwellinghouse as such. LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED)	
Applicant	Agent	
Mr Callum Harwood	Mr Irfan Tailor	
5 Leaves Green Crescent Bromley Keston BR2 6DN	Sufair Ltd 6 Wolsey Crescent New Addington London CR00PE United Kingdom	
Reason for referral to committee	Call-In. Reason - uncertainty over whether the mobile home constitutes development. The site does not have permitted development rights. Site is within the Green Belt. Site is also subject to current enforcement action.	Councillor call in Cllr Andrews

RECOMMENDATION	Proposed Use/ Development is Lawful
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Noise Contours Biggin Hill Safeguarding Area Green Belt London City Airport Safeguarding Smoke Control Technical Sites Biggin Hill</p>
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Representation summary	Neighbour notification letters sent 27.10.2022	
Total number of responses		1
Number in support		0
Number of objections		1

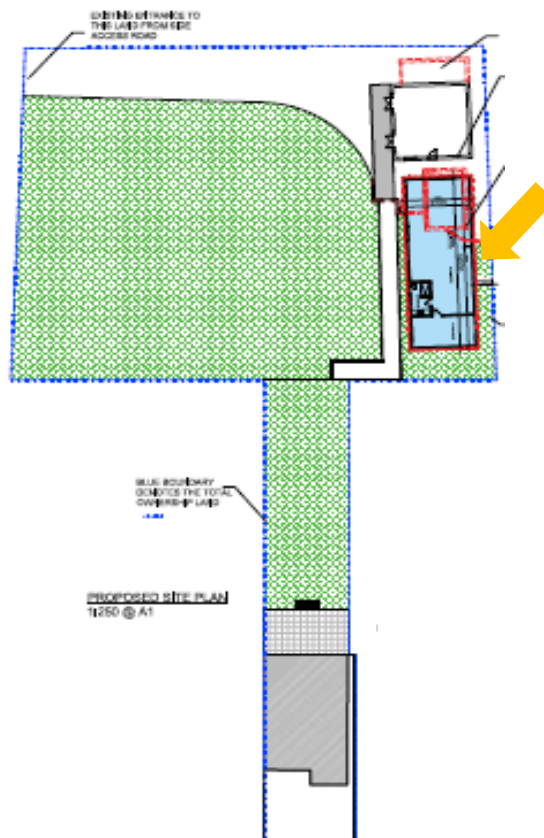
1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal is considered to not be classified as operational development or represent a material change of use of the residential land. It is recommended that a Lawful Development Certificate is granted.

2. LOCATION

- 2.1 The application site hosts a two storey semi-detached house located on the western side of Leaves Green Crescent, Keston. The property is located within an area designated as Green Belt land.
- 2.2 As shown in Figure 1, the curtilage of No.5 extends to include a large parcel of land to the rear. This part of the application site, where the caravan would be located, had its permitted development rights for any buildings, structures, alterations walls or fence removed in 1994 (planning ref: 94/0028/FUL).

Fig 1: Site plan (Location of caravan)



2.3 The site is located in the Green Belt and is also affected by other designations as follows-

- Biggin Hill Noise Contours
- Biggin Hill Safeguarding Area
- London City Airport Safeguarding
- Smoke Control
- Technical Sites Biggin Hill

Photo 1: Existing garden (view from the main house)



Photo 2: Existing garden (view from the garage)



3. PROPOSAL

- 3.1 The application seeks a Lawful Development Certificate under Section 192 of the Town and Country Planning Act 1990 (as amended) for the siting of a caravan/mobile home.
- 3.2 The proposed mobile home would measure 18m in length and 6.7m in width (maximum) and would have a total height of 3m with an eaves height of 2.4m. The proposed mobile home would be sited in the rear garden and would provide a hobby room (music/ study), computer/ digital mixing area, a bathroom and a store room.
- 3.3 According to the supporting statement the mobile home would be used by the members and guests of the main dwelling. In the planning statement, it states that "the caravan will be primarily used as a music/ hobby room along with a store. It also has toilet facilities, to be connected to the existing drain via detachable pipes. The caravan will be used by members of the household incidental to their enjoyment of the house, using the path from the house."

Fig 2: Proposed floorplan and roof plan

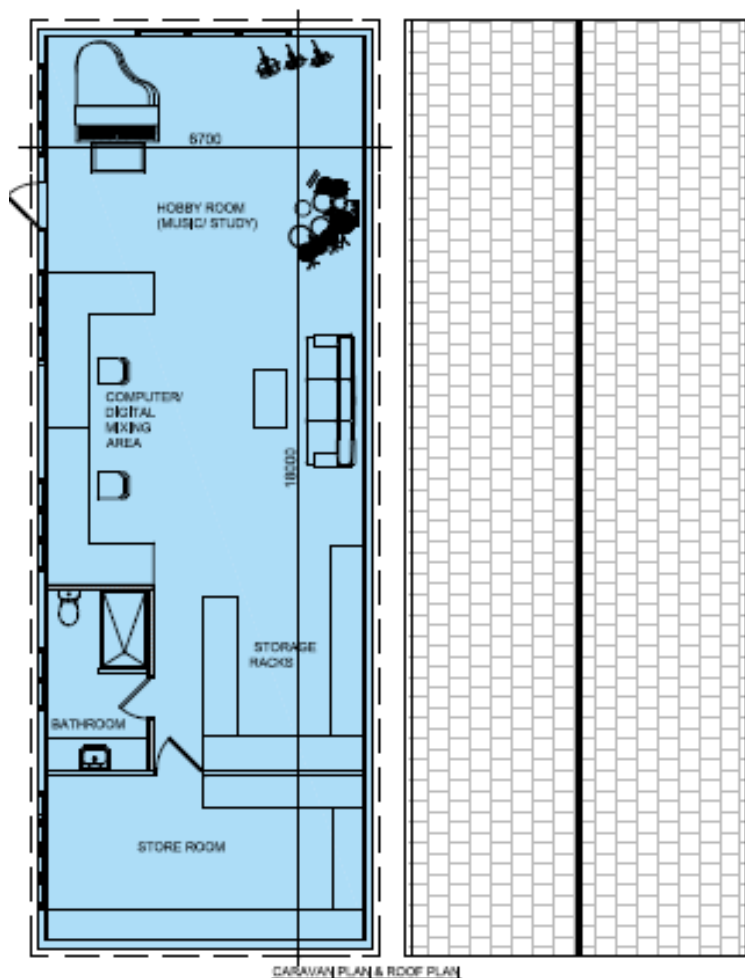
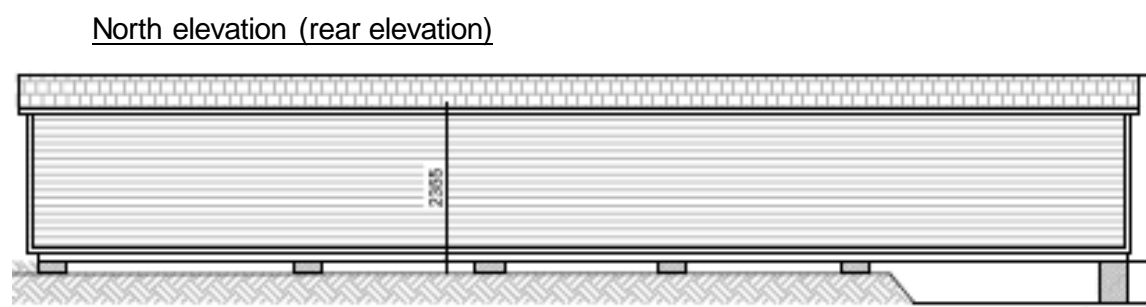
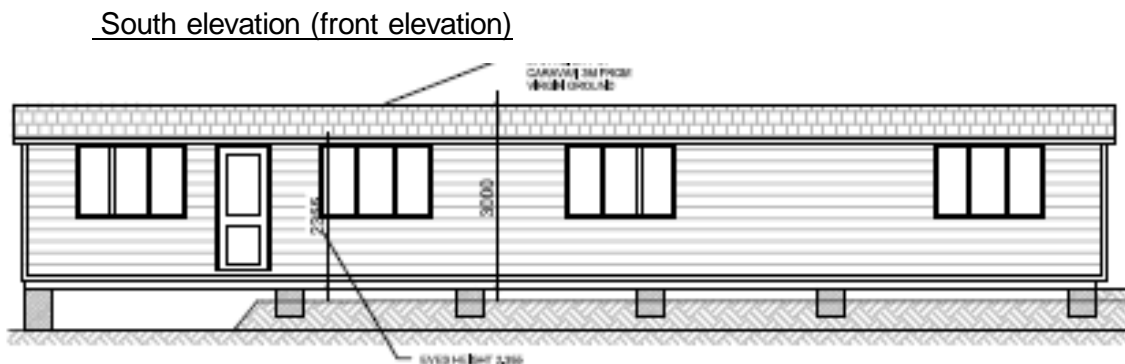


Fig 3: Proposed elevation plans



4. RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 94/00028/FUL – Change of use from grazing land to residential garden and retention of 2 pigeon lofts and storage shed and aviary (RETROSPECTIVE) – 07.03.1994
- 4.3 88/01039/FUL - Single storey rear extension - (Permitted) 12.05.1988
- 4.4 91/01425/FUL - Single storey side/ rear/ front extension - (Permitted) 05.08.1991
- 4.5 19/05262/FULL6 - Extension to the eastern end of an existing single storey detached double garage to incorporate a study and playroom - (Refused) 09.03.2020
- 4.6 21/05110/PLUD - Single storey outbuilding LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) - (Lawful) 10.02.2022
- 4.7 21/05172/PLUD - Erection of an outbuilding comprising home office and gym (Lawful Development Certificate Proposed) - (Appeal allowed)

5. PLANNING ASSESSMENT

The Meaning of Development

5.1 According to section 55 (1) of the Town and Country Planning Act 1990 "development, means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land".

5.2 According to section 55 (2) (d) of the Town and Country Planning Act 1990 "the use of any buildings or other land within the curtilage of a dwellinghouse for the purposes incidental to the enjoyment of the dwellinghouse, shall not be taken to involve development of the land".

The definition of a caravan/ mobile home

5.3 The definition of a caravan, which includes a mobile home, as outlined within section 29(1) of the Caravan Sites and Control of Development Act 1960 states that a caravan is any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or (b) any tent.

5.4 The Caravan Sites Act 1968 Section 13 - definition of twin unit caravans as amended by the Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006 provides as follows:

- (1) A structure designed or adapted for human habitation which:
 - (a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and
 - (b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or as not having been) a caravan within the meaning of Part 1 of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a highway when assembled.
- (2) For the purposes of Part 1 of the Caravan Sites and Control of Development Act 1960, the expression "caravan" shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely:
 - (a) length (exclusive of any drawbar): 20 metres;
 - (b) width: 6.8 metres;
 - (c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 3.05 metres."

5.5 In order to assess whether a caravan is permitted at this location, two criteria have to be considered:

- whether the proposal is an operational development
- whether the proposal comprises a material change of use of the land

The proposal would not comprise operational development

5.6 The applicants confirm that the caravan would be towed in with the help of a Land Rover or similar vehicle and placed in the desired location. This caravan will remain movable, which falls within the definition of a caravan as stated within the 1960 Caravan Site and Control of Development Act and Caravan Sites Act 1968.

5.7 The caravan would be stationed on padstones and jacks. The supports (jacks and padstones) will be taller at some locations where the ground level is lower as shown in Figure 3. It would be connected to utilities such as electric, water etc but these could be easily disconnected. The details show that the caravan would measure approximately 18m in length and 6.7m in width (maximum) and would have a total height of 3m with an eaves height of 2.4m (3m from the finished floor to the highest point of the ceiling).

5.8 The application drawings and accompanying planning statement indicate that the proposed unit would comply with the dimensions set out in the 1968 Act and that it could be lawfully transportable to/from the site by towing by suitable vehicle. It is therefore accepted that the caravan/ mobile home would fall within the definition of a caravan, provided that the construction and the required measurements stated in the application are met.

5.9 However, it should be noted that the continued mobility of the structure is essential to its definition as a caravan. If that is lost due to development carried out upon the structure, then it will cease to be a caravan.

5.10 The submitted drawings show that the proposed caravan/ mobile home would not be permanently fixed to the ground and could be easily removed from the site. The proposal, therefore, would not be considered to be a "building".

5.11 Having considered all the above, the proposal would not be classified as operational development under section 55 of the Act, given that the mobile home would continue to be a mobile and removable structure (i.e. by definition it is a caravan).

The proposal would not comprise a material change of use of the land

5.12 With regards to whether this part of the land is within the curtilage of the dwellinghouse, the case officer has carried out a site visit and has confirmed that the proposed location of the caravan is part of the curtilage of No. 5.

5.13 The caravan by its nature would be physically separated from the dwellinghouse and it could be accessed externally and separately from the dwellinghouse. However, the applicants have confirmed that the caravan would be used by the members and guests of the main dwelling and the electricity and plumbing etc is

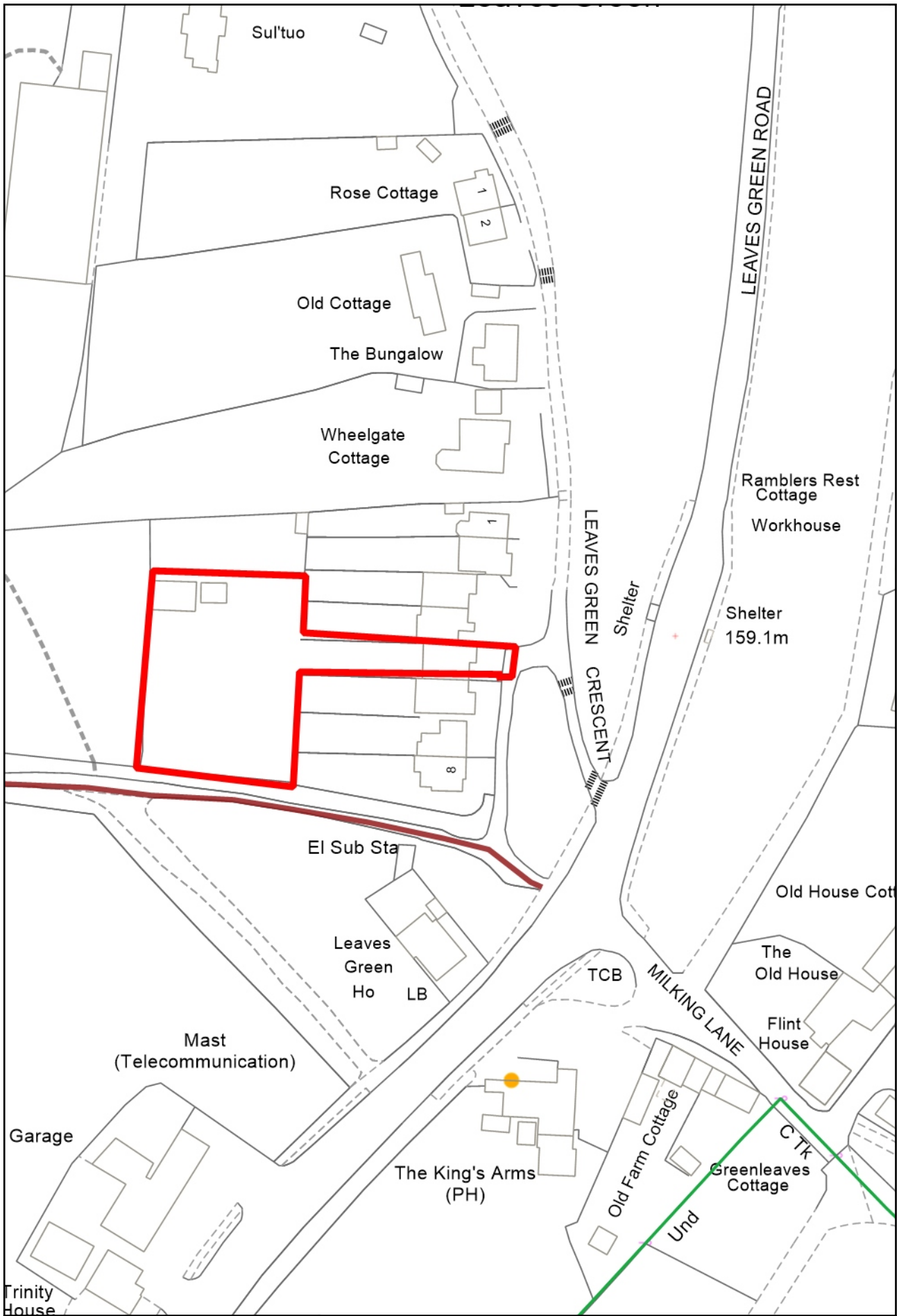
connected to the main dwelling supply. Therefore, the proposal would be functionally connected to and subservient to the dwellinghouse. It is accepted that there is a clear functional link between the dwellinghouse and the caravan. The proposal, therefore, would be incidental to the use of the dwellinghouse.

6. CONCLUSION


- 6.1 The caravan would not be a permanent structure fixed to the ground and could be removed easily from the site if necessary. There would be no subdivision of the residential curtilage which would be occupied by the same family and it would provide incidental space to the main house without providing a new, separate dwelling severed from the main house. In these circumstances and for these reasons the proposal is not regarded as operational development and doesn't represent a material change of use of the residential curtilage land.
- 6.2 Therefore the proposal would comprise lawful development under section 192 of the Town and Country Planning Act 1990, and it is recommended that a Lawful Development Certificate is granted.
- 6.3 Background papers referred to during production of this report comprise all correspondence on the file, excluding exempt information.


Recommendation: CERTIFICATE BE GRANTED

The siting the caravan would not amount to operational development and use of the caravan would not result in a material change of use of the land by virtue of Section 55(2)(d) of the Town and Country Planning Act 1990.



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22/04204/PLUD



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Agenda Item 4.2

Committee Date	13.04.2023	
Address	Lillys Chelsfield Lane Orpington BR6 6NN	
Application Number	23/00246/PLUD	Officer - Jacqueline Downey
Ward	Chelsfield	
Proposal	Replacement windows from wooden double glazed frames to aluminium/UPVC double glazed frames. Replacement front and back door from wooden to composite doors. Provide an opening to allow for a small non opening window to the east ground floor. LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED)	
Applicant	Agent	
Mrs Melanie Stevens		
Lillys Chelsfield Lane Orpington BR6 6NN		
Reason for referral to committee	Outside delegated powers: Applicant is Cllr Stevens	Councillor call in No

RECOMMENDATION	Proposed Use/Development is Lawful
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<p>KEY DESIGNATIONS</p> <p>Conservation Area: Chelsfield Areas of Archeological Significance Article 4 Direction Special Advertisement Control Area Biggin Hill Safeguarding Area Green Belt Locally Listed Building</p>

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Single Dwellinghouse (C3)	Not stated
Proposed	Single Dwellinghouse (C3)	Same as Existing

Representation summary	Letters to neighbours were sent out on the 06.03.2023	
Total number of responses	0	
Number in support	0	
Number of objections	0	

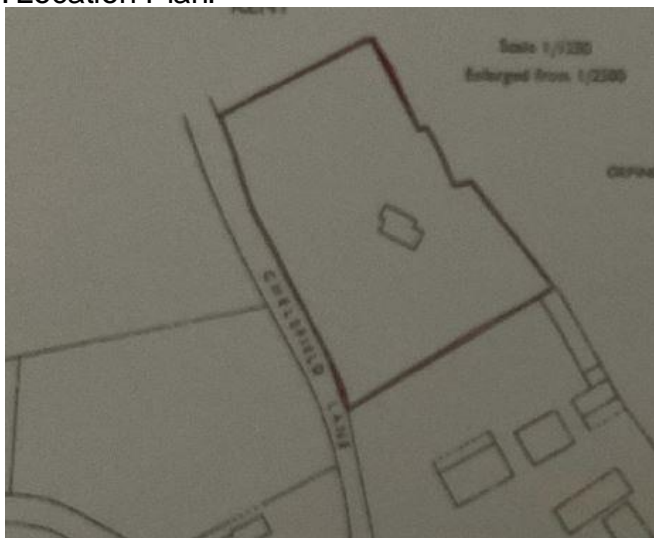
1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposed development falls within the scope of Class A of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2. LOCATION

- 2.1. The site is situated on the north eastern side of Chelsfield Lane, Orpington and is host to a two storey detached dwelling.
- 2.2. The site is situated within the Chelsfield Conservation Area and is located within the Green Belt.
- 2.3. The property is not a Statutory or Locally Listed Building.

2.4. Location Plan:



2.5. OS map of the site:



3. PROPOSAL

3.1. The proposal seeks formal confirmation from the Council that elevation alterations comprising of the replacement of all windows and patio doors, the addition of one ground floor east window and replacement front and rear doors. The proposed alterations are as follows:

- Replacement of the existing windows and doors from dark painted timber double glazed windows and glazed doors to grey/black aluminium/uPVC double glazed windows.
- Replacement of the front and rear doors from timber to composite wood effect doors, colour Chartwell green.

- A new ground floor side non opening window to the east ground floor.

3.2. Proposed window example:



3.3. Photographs of existing property with windows to be replaced (further photographs available on the online case file)

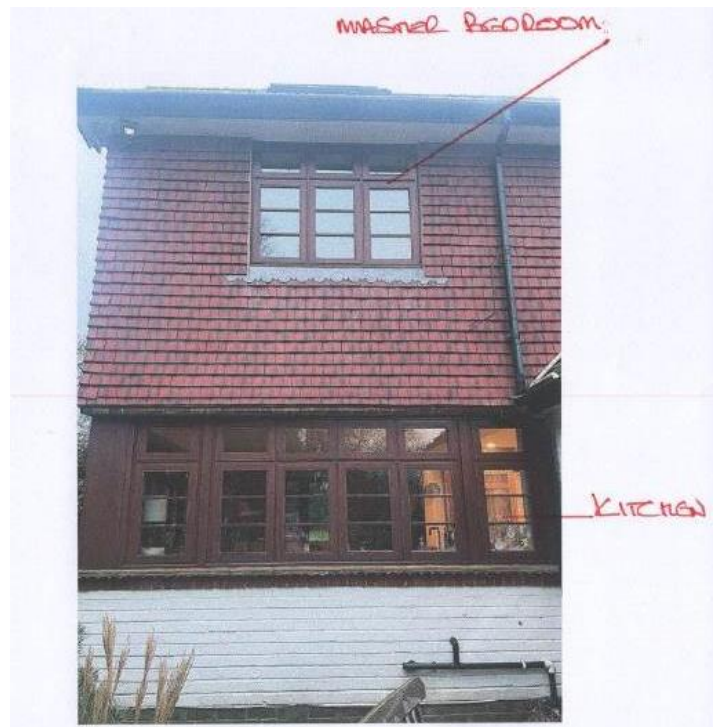
- Front elevation windows:



- East side elevation windows and siting of proposed new window:



- Master bedroom and kitchen windows:



3.4. Existing front door with side windows to be replaced with grey/black uPVC windows



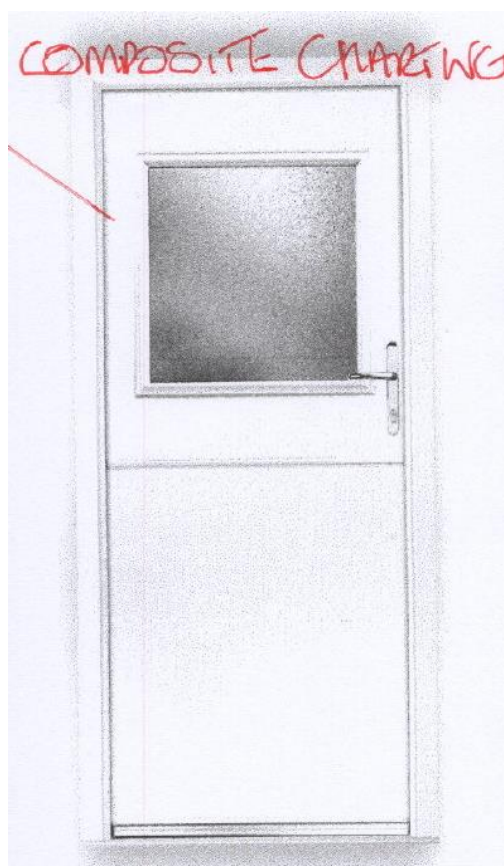
3.5. Proposed front door in composite material with Chartwell (sage) green colour:



3.6. Existing rear timber door:



- 3.7. Proposed rear door stable door opening style in composite material with Chartwell (sage) green colour



4. RELEVANT PLANNING HISTORY

- 4.1. There is no recent and relevant planning history.

5. CONSULTATION SUMMARY

- 5.1. There is no requirement to consult any statutory consultees due to the nature of this application.
- 5.2. Neighbouring occupiers were notified of the application and no representations were received.

6. POLICIES AND GUIDANCE

- 6.1. The application requires the Council to consider whether the proposal falls within the parameters of permitted development under **Class A** of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and specifically whether any limitations/conditions of the Order are infringed.
- 6.2. The main issues in this case are whether the proposals constitute development requiring planning permission under Section 55 of the Town and Country Planning Act 1990 (as amended).

7. ASSESSMENT

- 7.1. Class A Schedule 2, Part 1, permits the enlargement, improvement or other alteration of a dwellinghouse subject to certain limitations. The replacement windows and doors and proposed side ground floor window would fall within an alteration to the existing house under Class A and are considered to be permitted development for the following reasons outlined in the subsequent paragraphs.
- 7.2. Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use).
- 7.3. The dwelling does lie within a conservation area however the proposal would not involve cladding of any part of the exterior of the dwellinghouse, no enlargements are proposed beyond a wall forming a side wall of the dwelling house or having more than a single storey and extend beyond the rear wall of the original dwellinghouse which are elements which are not permitted under Class A in a Conservation Area.
- 7.4. In relation to the proposed replacement windows, they would be installed within all front, rear and side elevations at the ground floor level and the materials used (aluminium./uPVC) in dark grey colour and the front and rear door would replace the existing timber doors with composite timber effect doors in a Chartwell green.
- 7.5. Condition A.3 of Class A requires that “the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse”.
- 7.6. The MHCLG’s Permitted development rights for householders Technical Guidance offers guidance on the interpretation of this condition, with particular regard to replacement windows where it states:
- “it may be appropriate to replace existing windows with new uPVC double-glazed windows or include them in an extension even if there are no such windows in the existing house. What is important is that they give a similar visual appearance to those in the existing house, for example in terms of their overall shape, and the colour and size of the frames”
- 7.7. Having regard to the above and based on a visual analysis of the existing windows and the proposed photographs (as submitted by the Applicant) this scheme will involve the installation of windows and glazed doors of similar proportions, appearance and method of opening as the existing and the materials would match the existing in appearance with the existing dark colour painted timber windows replaced with a dark grey uPVC frame which would have a similar visual appearance. The omission of the glazing bars to the windows is not considered to have a significant impact on the appearance of the windows to the property and windows would still maintain a similar appearance. No additional upper floor flank windows are proposed. Thereby the proposed development would satisfy the criteria of Class A, Part 1 of Schedule 2 of the General Permitted Development Order 1995 (as amended).

8. CONCLUSION

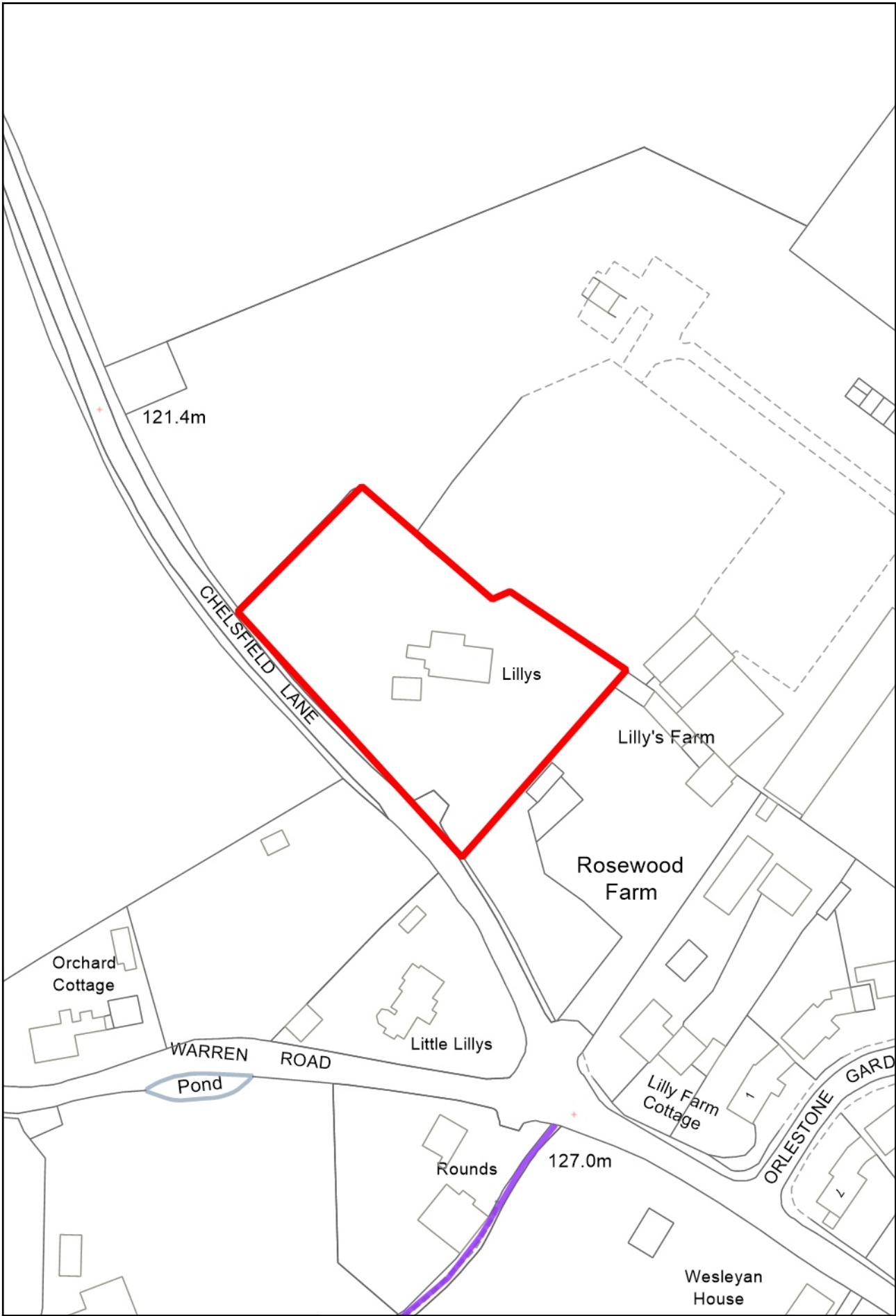
8.1. On the basis of the information presented before the Council it may be considered that the development would fall within the relevant criteria of the Order.

8.2. It is therefore considered that the Certificate should be granted.


8.3. Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.


RECOMMENDATION: Proposed Use/Development is Lawful

The proposal as submitted would constitute permitted development by virtue of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).




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22/04204/PLUD



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