

PLANS SUB-COMMITTEE NO. 3

Minutes of the meeting held at 7.00 pm on 23 October 2014

Present:

Councillor Katy Boughey (Chairman)
Councillor Douglas Auld (Vice-Chairman)
Councillors Teresa Ball, Kevin Brooks, Simon Fawthrop,
Charles Joel, Alexa Michael and Richard Scoates

Also Present:

Councillors Ian Dunn, Peter Fortune, Catherine Rideout,
Pauline Tunncliffe and Michael Turner

14 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Nicholas Bennett JP and Ellie Harmer. Councillors Simon Fawthrop and Richard Scoates attended as their alternates respectively.

An apology for absence was also received from Councillor Lydia Buttinger.

15 DECLARATIONS OF INTEREST

There were no declarations of interest reported.

16 CONFIRMATION OF MINUTES OF MEETING HELD ON 28 AUGUST 2014

RESOLVED that the Minutes of the meeting held on 28 August 2014 be confirmed and signed as a correct record.

17 PLANNING APPLICATIONS

SECTION 1

(Applications submitted by the London Borough of Bromley)

17.1 BROMLEY COMMON AND KESTON

(14/03021/FULL1) - Keston CE Primary School, Lakes Road, Keston.

Description of application – Construction of a single storey Early Years Foundation Stage classroom extension with enclosed play area and external canopy to the south east side of the existing school building, additional car parking, bin store and associated external works.

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 together with two late letters of support. 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 four further conditions to read:-

“20. The number of children attending the school shall not exceed 256 pupils at any one time

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of amenity and public safety.

21. The number of classes at the school shall not exceed a maximum of eight.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of amenity and public safety.

22. Prior to the commencement of the use hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan should include measures to promote and encourage the use of alternative modes of transport to the car. It shall also include a timetable for the implementation of the proposed measures and details of the mechanisms for implementation and for annual monitoring and updating. The Travel Plan shall be implemented in accordance with the agreed timescale and details.

REASON: In order to ensure appropriate management of transport implications of the development and to accord with Policy T2 of the Unitary Development Plan.

23. 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 buildings, structures, alterations, walls or fences of any kind 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: In order to prevent intensification of the site and to comply with Policy BE1 of the Unitary Development Plan and in the interest of amenity and public safety.”

**17.2
BICKLEY**

**(14/03285/RECON) - Scotts Park Primary School,
Orchard Road, Bromley.**

Description of application – Variation of condition 8 of permission 13/01900/FULL1 granted for erection of a single storey temporary classroom building to retain classroom until October 17th 2016.

Oral representations 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 informatives set out in the report of the Chief Planner.

SECTION 2

(Applications meriting special consideration)

**17.3
CLOCK HOUSE**

**(13/04190/FULL1) - Phoenix House, 244 Croydon
Road, Beckenham.**

Description of application – Demolition of existing building and erection of 6 x three bedroom and 2 x five bedroom dwellings.

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

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

1. The proposed development by reason of the number of units on a restricted plot with lack of amenity space, would be an overdevelopment of the site. The proposal is therefore contrary to Policy H7 of the Unitary Development Plan.

**17.4
FARNBOROUGH AND
CROFTON**

**(14/01868/FULL1) - Salcombe, Farnborough
Common, Orpington.**

Description of application - Demolition of existing buildings at Salcombe and Well Close House and erection of detached part two/three storey building comprising 5 two bedroom and 4 one bedroom flats with front and rear balconies, 9 car parking spaces, refuse store and landscaping.

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

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

1. The proposed development would be by reason of its

size and siting, constitute an overdevelopment of the site, out of character with the locality and contrary to Policy H7 and BE1 of the Unitary Development Plan.
2. The proposed development would be detrimental to the residential amenities of the neighbouring properties and would give rise to an unacceptable degree of overlooking and loss of privacy to the occupiers of these neighbouring properties thus contrary to Policy BE1 of the Unitary Development Plan.

**17.5
HAYES AND CONEY HALL**

(14/01873/FULL1) - Isard House, Glebe House Drive, Hayes.

Description of application – Demolition of existing care home and erection of 21 dwellings to provide 2 x one bedroom flats, 10 x two bedroom flats, 6 x three bedroom houses and 3 x four bedroom houses with a total of 37 car parking space, provision for refuse/recycling and cycle parking and associated landscaping

Oral representations from Ward Member, Councillor Peter Fortune, were received at the meeting. It was noted that on Page 61 of the Chief Planner's report, the first sentence of the first bullet point should be amended to read, "The reduction in width of the house proposed for Plot 7 from 9 metres to 7 metres etc." It was reported that further objections to the application had been received.

Members having considered the report, objections, and representations, **RESOLVED** that **PERMISSION BE GRANTED, SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT** relating to affordable housing, health and education, as recommended, subject to the conditions and informatives set out in the report of the Chief Planner.

**17.6
BICKLEY**

(14/02128/FULL1) - Little Moor, Chislehurst Road, Chislehurst.

Description of application – Demolition of existing building and erection of part two/three/four storey building comprising 5 three bedroom and 4 two bedroom flats with 20 basement car parking spaces and cycle store.

Oral representations in objection to and in support of the application were received. Oral representations from Ward Member, Councillor Catherine Rideout, in objection to the application were received at the meeting. In her view the application was an over

development that would have a detrimental impact on the street scene and lacked parking and she commented that the planning report had not taken into account the detrimental affect the proposed development would have on the residents in St Nicholas Lane.

The principle of development had been established for eight flats. In Councillors Fawthrop and Scoates' opinions the proposed was an over development and differed little from the previously refused scheme.

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

1. The proposal would constitute an overdevelopment of the site by reason of the height and bulk of the building, harmful to the character of the area, contrary to Policies BE1 and H7 of the Unitary Development Plan.

**17.7
HAYES AND CONEY HALL**

(14/02190/FULL1) - Park House Rugby Football Club, Barnet Wood Road, Hayes.

Description of application - Single storey side and rear extensions.

A replacement planning report had been issued on 23 October 2014 as the report published in the agenda was incomplete.

Members having considered the report and objections, **RESOLVED that PERMISSION BE REFUSED** for the reason set out in the replacement report.

**17.8
CHISLEHURST**

(14/02447/FULL1) - 51-53 High Street, Chislehurst.

Description of application – Part one/two storey rear extension (enlargement of rear extension permitted under reference14/00468 to incorporate first floor element) RETROSPECTIVE APPLICATION.

Oral representations in support of the application were received at the meeting. It was reported that one late letter of support had been received.

Members having considered the report and representations, **RESOLVED that PERMISSION be GRANTED** subject to the following conditions:-

“1. The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.

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.

2. The use of the development including terrace shall operate only between the hours of 09:00 - 17:30 on Monday to Saturday and 09:00 - 17:30 on every third Sunday on market day

REASON: In order to comply with Policies BE1 and S9 of the Unitary Development Plan and in the interest of the amenities of the area.

3. Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

4. Details of the means of privacy screening for the balcony(ies) 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 and permanently retained as such.

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.

5. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

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

**17.9
HAYES AND CONEY HALL**

(14/02529/FULL1) - 85 Baston Road, Hayes.

Description of application – Conversion of existing dwelling into four self-contained flats with associated elevational alterations and balcony screening; provision of associated parking and refuse facility and

amenity area. Formation of allocated parking in connection with existing pre-school.

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

**17.10
CLOCK HOUSE**

(14/02678/FULL6) - Penceat Court, 17 Bourdon Road, Penge.

Description of application – Additional storey to create 3 self-contained flats (2 x 1 bedroom flats and 1 x 2 bedroom flat).

Oral representations in support of the application were received. Oral representations from Ward Member, Councillor Ian Dunn, 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.

**17.11
PLAISTOW AND
SUNDRIDGE**

(14/02727/FULL1) - 49 Park Avenue, Bromley.

Description of application – Demolition of existing dwelling and erection of part two/three storey building, comprising, 3 one bedroom and 5 two bedroom flats with associated car parking and refuse and recycling store.

Oral representations in objection to and in support of the application were received. Oral representations from Ward Member, Councillor Michael Turner, in objection to the application were received at the meeting.

Councillor Turner referred to the history of the site, the style of properties in the road and his knowledge of the local traffic problems and drew Members' attention to the works scheduled to create a new entrance to Parish Primary School. In his opinion the proposed development was incongruous and was an overdevelopment of the site in mass and bulk that would affect the nursing home and neighbouring properties. Comments from Ward Members Councillors Ellie Harmer and Peter Morgan in objection to the application had been circulated. Councillor Alexa Michael considered that the introduction of a flatted development would be a mistake and out of character and she pointed out that

some dwellings in the road had become multiple occupancy and retained their style.

Councillor Douglas Auld quoted the first sentence on page 111 of the Chief Planner's report, "In refusing the previous application the Council did not object to the principle of a flatted development in this particular location.". Councillor Simon Fawthrop requested to have minuted that this did not mean that the Council had not agreed to a flatted development, merely objected to the principle.

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

1. The proposed development by reason of its excessive bulk and mass, would constitute an overdevelopment of the site, out of character with the surrounding area, thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.

**17.12
DARWIN**

(14/02900/FULL1) - Land known as Jenny's Field, Blackness Lane, Keston.

Description of application – Erection of 1m high boundary fencing and change of use from rough grazing to apiary (beekeeping).

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

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

**17.13
ORPINGTON**

(14/02945/FULL6) - 23 Wyvern Close, Orpington.

Description of application – Single storey side/rear extension and roof extension incorporating gable ends/front gable and dormers to front and rear.

Oral representations from Ward Member, Councillor Pauline Tunnicliffe, 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 seek an amended roof design.

**17.14
HAYES AND CONEY HALL**

(14/03029/FULL6) - Cheren, Pickhurst Lane, West Wickham.

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

**17.15
CRAY VALLEY EAST**

(14/03092/FULL1) - First Centre West Buses Ltd, Faraday Way, Orpington.

Description of application – Erection of three buildings subdivided into nine units for B1(c), B2 and B8 uses, together with associated roads, parking and landscaping.

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 and a further condition to read:-

“1. 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.”

**17.16
CHISLEHURST
CONSERVATION AREA**

(14/03229/FULL2) - 16A High Street, Chislehurst.

Description of application – Change of use from Retail (Class A1) to Beauticians/Health Spa (Sui Generis use).

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

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

1. The proposed change of use from retail (Class A1) to Beauticians/Health Spa (Sui Generis use) will harm the retail character of the shopping frontage, and would lead to an overconcentration of similar uses within the area and therefore would be contrary to Policy S4 of the Unitary Development Plan.

SECTION 3

(Applications recommended for permission, approval or consent)

**17.17
BROMLEY COMMON AND**

(14/01818/ELUD) - Hasells Nursery, Jackson Road, Bromley.

KESTON

Description of application – Use of the site shown on the attached plan for a composite use in connection with a bedding plant nursery and a general building and ground works company and in particular comprising use of building A for vehicle maintenance and repair, of building B for storage and maintenance of tools, of area D for car and lorry parking, of building I to store building and fencing materials and of building J to store tractors and excavators and of buildings C, E, F, G and H as a bedding plant nursery.
CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR DEVELOPMENT.

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

Councillors Alexa Michael and Charles Joel had independently visited the site and, other than a small hut in use and some plant storage, no sign of business activity or evidence of vehicle repairs was apparent and the site appeared to have been abandoned.

Members having considered the report and representations, **RESOLVED that the application BE DEFERRED**, without prejudice to any future consideration to seek further details and clarification on the current use of the land and for advice as to whether any use of the Land had been abandoned.

**17.18
BROMLEY COMMON AND
KESTON**

(14/02100/FULL1) - 5 The Drift, Bromley.

Description of application - Demolition of existing outbuildings and erection of two detached houses with associated access and residential curtilages.

Oral representations in support of the application were received at the meeting. It was reported that a letter of support had been received.

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.

**17.19
ORPINGTON**

(14/02722/FULL6) - 103 Eton Road, Orpington.

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

Oral representations in support of the application were

received at the meeting. It was noted that on page 165 of the Chief Planner's report the word, 'refused', in the second line should be amended to read, 'reduced'.

The applicant undertook to withdraw his appeal against the refusal of application 14/00831 if this application was permitted.

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

**17.20
CHISLEHURST
CONSERVATION AREA**

(14/02786/FULL6) - Garden Cottage, The Glebe, Chislehurst.

Description of application – Two storey rear extension including side dormer.

Oral representations in objection to and in support of the application were received at the meeting. It was reported that the application had been amended by documents received on 20 October 2014.

The Chairman referred to the history of the site being in the conservation area and in her view the proposed development was similar to a previous application that had been refused on the grounds of size and bulk.

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

1. The proposed development would, by reason of its size and bulk, constitute an overdevelopment of the site, out of character with and contrary to the spatial standards of the area and as a result would cause harm to the character and appearance of the Chislehurst Conservation Area, thereby contrary to Policies H8 and BE11 of the Unitary Development Plan.

**17.21
FARNBOROUGH AND
CROFTON**

(14/02909/FULL6) - 2 Arden Grove, Orpington.

Description of application – Part two storey/first floor front 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.

**17.22
MOTTINGHAM AND**

(14/03004/FULL1) - Duke of Kent Court Bowls Club, Dunkery Road, Mottingham.

CHISLEHURST NORTH

Description of application – Single storey extension to existing clubhouse.

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 with an amendment to Condition 4 to read:-

“4. The extension hereby permitted shall only be used in connection with the bowls club and operate within the hours imposed on the main clubhouse unless previously agreed in writing by the Local Planning Authority.

REASON: In the interest of the residential amenities of the area.”

**17.23
BICKLEY**

(14/03101/FULL6) - High Trees, Chislehurst Road, Chislehurst.

Description of application – Single storey front, first floor front/side and two storey rear extensions with front dormer and elevational alterations.

Oral representations in objection to and 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 informative set out in the report of the Chief Planner.

**17.24
HAYES AND CONEY HALL**

(14/03183/FULL6) - 1 Cherry Walk, Hayes.

Description of application – Part one/two storey rear extension and roof alterations to incorporate first floor front dormer.

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.

**17.25
CHELSFIELD AND PRATTS
BOTTOM**

(14/03291/FULL6) - Pentlow, Rushmore Hill, Orpington.

Description of application – First floor side extension, single storey side and rear extensions.

Members having considered the report and objections, **RESOLVED that PERMISSION BE**

REFUSED for the following reason:-

1. The proposed development by reason of its size and bulk would constitute an overdevelopment of the site, and cause harm to the spatial standards of the area and the openness and visual amenities of the Green Belt contrary to Policy G4 of the Unitary Development Plan.

**17.26
BROMLEY COMMON AND
KESTON
CONSERVATION AREA**

(14/03351/FULL6) - 17 Forest Ridge, Keston.

Description of application - Part one/two storey side/rear extensions, single storey rear extension, first floor front extension, porch canopy, roof alterations to raise roof height and rear dormer to create third storey in roof space and elevational alterations to front, side and rear.

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 seek a reduction in the scale of the proposed development.

**17.27
PETTS WOOD AND KNOLL**

(14/03469/PLUD) - 27 West Way, Petts Wood.

Description of application - Single storey side extension. CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT.

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 including one from Petts Wood Residents' Association.

Councillor Simon Fawthrop referred to the history of Petts Wood being an Area of Special Residential Character where a greater degree of separation between residential properties was required and in his view Policy H10 of the Unitary Development Plan (Provision of sight line) should be considered.

Councillor Fawthrop said that Councillor Douglas Auld and Tony Owen, his fellow Ward Members, were all in agreement that if a Certificate of Lawfulness for a Proposed Development were authorised the development would have a detrimental impact on the rhythm of the street scene.

The Chief Planner's representative advised Members that the Permitted Development rights granted by the Government enabled householders to undertake extensions without planning permission, provided the conditions and limitations set out in the Town and Country Planning (General Permitted Development Order 1995) were met. The Chief Planner's representative further advised Members that the element for consideration related to an extension beyond the rear wall and should not take into account the amenity of neighbours and Members should make a decision made on legal merits only.

The Director of Corporate Services representative emphasised to Members they should consider the legality of the matter and not the planning merits and that if there was no evidence to the contrary, the Council was obliged to grant a Certificate of Lawfulness where the applicant has complied with all the criteria for the General Permitted Development Order.

Councillor Fawthrop referred Members and Officers to the case law of *Chisnell v London Borough of Richmond* 2005 and suggested they should familiarise themselves with it.

Members having considered the report, objections and representations, **RESOLVED that the application BE DEFERRED**, without prejudice to any future consideration, to seek clarification from the London Borough of Bromley's Legal Department with regard to case law, including *(Chisnell) v LB Richmond (Newman J) (2005) EWHC 134*, and to clarify the scope of the Local Planning Authorities considerations to determine a certificate of lawfulness, to include The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

The Meeting ended at 10.47 pm

Chairman