

PLANS SUB-COMMITTEE NO. 1

Minutes of the meeting held at 7.00 pm on 10 June 2021

Present:

Councillor Alexa Michael (Chairman)
Councillor Christine Harris (Vice-Chairman)
Councillors Kathy Bance MBE, Katy Boughey, Kira Gabbert,
Samaris Huntington-Thresher, Charles Joel, Tony Owen and
Suraj Sharma

Also Present:

Councillors Mike Botting, Kevin Brooks, Simon Fawthrop,
Kate Lymer and Neil Reddin FCCA

30 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

No apologies for absence were received.

Apologies for lateness were received from Councillor Suraj Sharma.

31 DECLARATIONS OF INTEREST

Prior to this meeting, the Urgency Committee had granted an unconditional dispensation to Councillor Simon Fawthrop to permit him to observe the consideration of his planning application for Item 4.5 - (21/00844/FULL6) - 3 Monarch Close, West Wickham, in which he had a Disclosable Pecuniary Interest as the owner of the property. The dispensation applied to any subsequent meetings on the same or similar application until the end of the municipal year. Councillor Fawthrop observed as a member of the public but did not take part in the discussion or vote.

All Members declared a non-pecuniary interest in Item 4.5 as they were acquaintances of Councillor Fawthrop.

Councillor Kira Gabbert declared a non-pecuniary interest in Item 4.3 as she was acquainted with the speaker in support of the application through her representation on the Wood Lodge Living Skills Committee.

32 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 8 APRIL 2021 AND THE SPECIAL MEETING HELD ON 5 MAY 2021

With regards to the minutes of the special meeting held on 5th May 2021 the Chairman requested that the final sentence of the second paragraph (page 17) be amended to read:

'...but he was not *selected* by the membership so therefore his name did not go forward as a candidate on the ballot paper in that *election*'.

RESOLVED that subject to the amendments noted above, the minutes of the virtual meetings held on 8th April 2021 and 5th May 2021 be confirmed and signed as a correct record.

33 PLANNING APPLICATIONS

33.1 (20/04944/FULL1) - 21 Windsor Drive, Orpington CHELSFIELD AND PRATTS BR6 6EY BOTTOM

Description of application – Part one/two storey rear extension to provide enlarged restaurant space on ground floor, and staff live/work accommodation on first floor with ventilation ducting.

Oral representations in support of the application were received.

Oral representation from visiting Ward Member Councillor Mike Botting in support of the application were also received at the meeting. It was considered that the application would be beneficial to the local area for a number of reasons and the proposed extension was not out of keeping with other premises nearby. Councillor Botting therefore urged Members to approve the application in order to increase the capacity of the restaurant and provide a cleaner and tidier environment to the rear of the shops.

The Assistant Director, Planning clarified that the heading of sections 7.3 – Design, layout and scale and 7.6 – Neighbouring amenity in the report should both read ‘unacceptable’.

Councillor Samaris Huntington-Thresher noted concerns regarding the loss of amenities; overlooking neighbouring properties; positioning of the flue; and risk of severance of the property. Councillor Huntington-Thresher moved deferral.

Councillor Christine Harris stated that she had visited the site and considered that the size and bulk of the proposed extension would result in a loss of privacy for neighbouring properties and she therefore supported the officer’s recommendation and moved refusal.

Councillor Suraj Sharma said he did not feel that the proposed extension would be harmful to the character of the area and was not convinced that there would be a loss of amenity to neighbours. Councillor Sharma

moved permission.

The Chairman seconded deferral.

Members having considered the report, objections and representations, **RESOLVED** that **the application be DEFERRED**, without prejudice to any future consideration to be considered at a future Plans Sub-Committee for the following reason:-

1. To reduce the size of the two storey element and investigate repositioning the extract flue or providing additional filtration.

33.2
PENGE AND CATOR

(20/05176/FULL1) - 33 Croydon Road, London SE20 7TJ

Description of application – Part one/two storey rear extensions and rear dormer extension associated with proposed use of the site as a children's day nursery.

Oral representations from visiting Ward Member Councillor Kevin Brooks were received at the meeting. It was noted that although Ward Members supported the principle of having this type of business operating on the site, there were concerns that the size and depth of the designs would affect the amenities of No.31 and No. 35. He urged Members to consider deferring the application to allow a rescale of the design.

The Chairman highlighted that approval for change of use was not required for a GP surgery to become a children's day nursery as they now came under the same use class.

In response to questions, the Development Management Team Leader advised that a condition would be included relating to the proposed number of pre-school children attending the nursery. If the owner wanted to change the property to residential use in the future planning consent would be required.

Councillor Tony Owen noted that Croydon Road was extremely busy and more children attending would create more danger on the road.

Councillor Tony Owen moved refusal which Councillor Kira Gabbert seconded.

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

1. The part one/two storey rear extensions, by reason of their size and scale, would adversely impact on the amenities of the adjoining occupiers in terms of overshadowing and loss of outlook which would be contrary to Policy 37 of the Bromley Local Plan.
2. The extensions, by reason of the size and increased floorspace, would intensify the use of the site, adversely impacting on the adjoining neighbours in terms of the number of children attending the nursery, and would result in noise and traffic impacts contrary to Policies 32 and 37 of the Bromley Local Plan.

**33.3
CHISLEHURST**

**(21/00570/FULL1) - Edgebury Grazing Land,
Slades Drive, Chislehurst**

Description of application – Demolition of existing buildings (Land adjacent to Edgebury Primary School) and erection of a single storey new SEND school with associated pedestrian and vehicular access works, car park, pick-up and drop-off space, outdoor play area, MUGA and landscaping.

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

Oral representations from visiting Member, Councillor Kate Lymer – Portfolio Holder for Children, Education and Families, in support of the application were also received at the meeting. Councillor Lymer advised that if the Sub-Committee refused or deferred this application there was a risk that the Department for Education may decide not to proceed with the scheme. There was a high risk that future investment into the Borough could be lost and it could jeopardise plans for a new secondary school and SEN Free School in Bromley. She therefore urged Members to approve the application.

In response to a question from Councillor Katy Boughey, the Portfolio Holder for Children, Education and Families said that the site had been allocated for a secondary school and the smaller scheme proposed would be a lot less disruptive for the local residents. A

secondary school on the site could have up to 1,800 pupils plus staff, who would not be arriving on minibuses and would instead be making a large number of individual journeys each day.

The Development Management Team Leader reported that a number of further objections had been received and circulated to Members, as had a letter of support from Sir Bob Neill MP. Clarification was provided that the distance between the proposed building and rear boundaries of Edgebury was approximately 11.5 metres, and not 7 metres as stated in the report, and the carbon offsetting payment was £39,900. In response to a question from the Chairman it was further clarified that the existing vehicular access and new pedestrian access were both in designated green belt.

Councillor Boughey highlighted that this land had been designated in the Bromley Local Plan for secondary education, which could be used to house a school of up to six form entry. The location for the proposed school building had been chosen following a detailed feasibility study and was considered to be the best site based on its topography. The layout of the site had been designed to minimise disturbance to residents living on Edgebury. The main issue raised by residents had related to traffic and pedestrian and vehicular access – these had been considered and various options were explored. The decision had been made to utilise, upgrade and widen the existing track from Slades Drive to avoid the need to create a new access route, and would also allow minibuses to queue on-site rather than on the public highway. A pedestrian pathway would provide access from Edgebury for pupils and staff that cycled or arrived via public transport. The on-site parking provision would be for 100 parking spaces, 4 designated minibus parking spaces and a drop-off/pick-up area for 5 school minibuses, which was felt to be more than adequate. Councillor Boughey considered that the proposal was an acceptable use of the land and agreed with the recommendation to grant permission.

Councillor Suraj Sharma noted that this land had been designated for education and it was clearly demonstrated that there was a need for this type of provision. Although Councillor Sharma sympathised with local residents in terms of traffic flow, it was highlighted that 80% of pupils would be arriving at the

school in minibuses and the school had attempted to mitigate traffic further with the use of staggered timings. The proposal was for the school to accommodate 100 students, whereas the site could be used to house a much bigger secondary school, which would have a much greater impact on the local area. Councillor Sharma also seconded the recommendation to grant permission.

The Chairman considered that the single storey building design chosen was sensitive, as were the access arrangements. It was noted that the number of pupils and staff at the school would not be increased and as the majority of pupils would arrive by minibus there would be far less traffic than at other schools. There was a need for this school to provide the best opportunities for the pupils, and the Chairman supported the recommendation to grant permission.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE GRANTED, and SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT** as recommended, and subject to the conditions set out in the report of the Assistant Director, Planning.

33.4 PENGE AND CATOR

(21/00734/FULL1) - Unit 1, 23 Station Road, Penge, London SE20 7BE

Description of application – Demolition of the existing commercial units (Class B1) and redevelopment of the site for a 2-3 storey residential scheme comprising of 8 (Class 3) residential Units (3 no. 2 bedroom and 5 no. 1 bedroom units) with associated landscaping and car parking.

Oral representations in support of the application were received.

Oral representations from visiting Ward Member Councillor Kevin Brooks in objection to the application were also received at the meeting. It was noted that the construction of 7 units on the site had already been approved, which was considered to be acceptable – 8 units would cause too much intrusion on the amenities of neighbours and he therefore urged Members to refuse the application on the grounds of over development.

Councillor Kathy Bance agreed with Councillor Brooks

and moved refusal.

The Chairman highlighted section 7.4.8 of the report which stated that the 'principal impact on neighbouring amenity would relate to that upon the amenities of No. 38 Bredhurst Close resulting from the height, massing and third storey projection of the development. The height and length of the building immediately adjacent to this neighbour would be very visible from the rear windows and garden of that property. It is considered that there would be an impact on the residential amenities of this property in terms of a heightened sense of enclosure and the visual dominance of the development viewed from the neighbouring site.' The Chairman considered that 8 units on the site would have an unacceptable impact and seconded refusal.

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

1. The proposed building, by reason of its excessive height, massing, length, visual dominance and perception of overlooking, would have a detrimental impact on the amenities of neighbouring residential properties in Bredhurst Close, thereby contrary to Policy 37 of the Bromley Local Plan.

**33.5
HAYES AND CONEY HALL**

**(21/00844/FULL6) - 3 Monarch Close, West
Wickham, Kent BR4 9DQ**

Description of application – First floor rear extension.

Oral representations from visiting Ward Member Councillor Neil Reddin in support of the application were received at the meeting. The application would provide the space required to allow the applicants to work from home, the need for which had increased as a result of the pandemic. The option of a garden office had been considered but would result in the felling of some mature trees and loss of open space. It was noted that the application had been adjusted to reflect the concerns of the neighbours at No. 2. The adjoining neighbours at No. 4, who would be most impacted by the proposed extension, were supportive of the application and a video to that effect had been circulated to Members. Councillor Reddin therefore urged Members to approve the application.

The Assistant Director, Planning reported that a copy of the comments received from the agent, the officer response, and videos and further letter of support for the application had been circulated to Members of the Sub-Committee. Clarification was provided that:-

- section 2.1 of the report should read: 'The surrounding properties comprise predominantly *semi-detached* dwellings';
- the agent had confirmed that the proposed extension was 3.6 metres deep; and
- permitted development restricted anything within 2 metres of the boundary, to a maximum of 3 metre high eaves.

Councillor Kathy Bance MBE said that she supported the officer's reasons for recommending that the proposed first floor rear extension be refused due to its excessive rearward projection and close proximity to the shared boundary which would result in a significant loss of light, outlook and prospect, and moved refusal.

Councillor Charles Joel seconded refusal.

Councillor Suraj Sharma highlighted that the occupiers of the adjoining property at No.4 did not object to the application and had in fact submitted a letter of support. It was noted that concerns had been raised in relation to drainage, but as the extension would house an additional bedroom this was not a reason to refuse the application. It was subjective if the application would result in the lack of amenity and Councillor Sharma moved to grant permission.

Having visited the site, the Chairman did not consider the rearward projection of the proposed first floor extension to be excessive as it would only go as far back as the existing ground floor extension. As the immediate neighbour did not object to the application, and planned to do something similar, the reason given for refusal would no longer stand. It was highlighted that this was a preferred option to felling trees to create a garden office and therefore she seconded permission.

Councillor Kate Boughey said that she felt the proposals were modest, and as the projection was not that great, the impact would be minimal. It was considered that due to the distance between the

properties there would not be any impact on No. 2 and she would agree with permission being granted.

Councillor Christine Harris said that she had also made a visit to the site and had been concerned that major changes would need to be made to the roof. It was considered that in order to maintain symmetry it may be better to pause the application until the occupiers of No. 4 were ready to submit their planning application.

Councillor Samaris Huntington-Thresher highlighted that the application was only 0.6 metres higher than what would be allowed by permitted development and was above an existing single storey ground floor extension. Councillor Huntington-Thresher did not feel the proposal was excessive, and as the reason for refusal was based on a property whose occupants were not objecting, she would support permission being granted.

In response to a question, the Assistant Director, Planning advised that joint planning applications were encouraged when both neighbours were in a position to proceed. However, there would need to be a mechanism in place for both applications to be built within a reasonable timeframe of each other.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE GRANTED** for the following reason, and subject to the conditions and informatives set out in the report of the Assistant Director, Planning, with conditions delegated to officers:-

1. It was judged that the proposal would not cause unacceptable loss of light and prospect, and that the rearward projection was not judged to have an unacceptable impact on the neighbouring properties.

**33.6
PETTS WOOD AND KNOLL**

(21/01292/FULL6) - 34 Towncourt Crescent, Petts Wood, Orpington BR5 1PQ

Description of application – Loft conversion incorporating dormer to the rear and rooflights to the front.

Oral representations from visiting Ward Member Councillor Simon Fawthrop in objection to the

application were received at the meeting. It was noted that the site was within an Area of Special Residential Character – the property already had a gable end and the semi-detached houses were already unbalanced, and it was considered that the roof lights would increase this further. He urged Members to refuse the application on the grounds of degradation of the Area of Special Residential Character.

In response to a question from the Chairman, the Development Management Team Leader clarified that the rear dormer could be built under permitted development and therefore permission was only required for the roof lights included in the application.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE GRANTED** for the reasons and subject to the conditions and informatives set out in the report of the Assistant Director, Planning.

33.7
BROMLEY TOWN

(21/01985/RESPA) - Y Buildings, Bromley Civic Centre BR1 3UH

This item was taken after a decision was made on item 4.8.

Description of application – Change of use of Class B1(a) office to Class C3 Residential to form 73 residential units. (56 day application for prior approval in respect of transport and highways, contamination, flooding, noise impacts, natural light to habitable rooms under Class O Part 3 of the GPDO).

Oral representations in support of the application were received from the agent engaged by the applicant. With respect of the qualifying criteria they believed the only matter outstanding was whether the Y buildings were within the curtilage of the listed Palace building. In their opinion the case law established the criteria was whether there was an intimate connection between the listed building and the land claimed to be the curtilage. With respect to the details requiring prior approval these were all agreed to be satisfactory.

The Assistant Director, Planning reported that further objections and a letter from the agent had been received and circulated to Members. Revised plans had been received showing different bedroom sizes and therefore the issues raised in sections 7.2.14 and

7.2.17 were now resolved and officers were no longer recommending the second ground for refusal.

The Legal Representative quoted the Challenge Fencing Limited legal case which outlined the factors to be taken into account when making an assessment relating to the curtilage of a building.

Councillor Kira Gabbert considered that a full planning application should be invited and moved refusal.

Councillor Kathy Bance seconded refusal.

Members having considered the report, objections and representations, **RESOLVED** that **PRIOR APPROVAL IS REQUIRED AND REFUSED** for the following reasons:-

1. In the opinion of the Local Planning Authority the proposed development does not comply with Class O.1(f) of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) with respect to the requirement that the development is not within the curtilage of a listed building. The proposal does not therefore comply with the provisions, conditions and limitations of Paragraph W(3) of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
2. An application for planning permission is to be invited.

**33.8
BROMLEY TOWN**

(21/02042/ELUD) - Y Buildings, Bromley Civic Centre BR1 3UH

Description of application – The use of the "Y" Buildings as offices for the carrying out of administrative functions (Use Class E(g)(i)). LAWFUL DEVELOPMENT CERTIFICATE (EXISTING).

Oral representations in support of the application were received from the agent engaged by the applicant. Their opinion was that the Y Blocks were a separate unit of occupation. Physically the Y blocks were not attached to other buildings in the Civic Centre, had their own toilets and kitchen facilities and functionally were separately occupied by specific Council

departments. Although the officer's report recommended refusal in paragraph 7.14 the officers did concede it is possible to conclude that the Y buildings were used separately from the remainder of the site. The functions carried on in the Y buildings with desks, computer cabling and notices, meeting rooms, server rooms and printing and bundling meant that the use was a Class E office use.

The Assistant Director, Planning reported that further objections, including one from Bromley Civic Society, and a letter from the agent had been received and circulated to Members.

In response to questions, the Legal Representative referred to the conclusions reached in the officers' report. Reference was made to the Court of Appeal judgement regarding County Hall, and the Lord Justices of Appeal had concluded in respect of that site that the overall site was sui generis. The London Borough of Bromley had legal ownership of the overall site which should be the starting point of the consideration and it was considered that there was no physical separation between the "Y" Buildings.

Councillor Christine Harris agreed with the officer's recommendation and moved refusal.

Councillor Suraj Sharma considered that the Y buildings did not have a democratic function or a council chamber. For some time the Council's property team had been in occupation. He referred to paragraph 7.14 of the officer's report. He concluded that this was an existing lawful office use and moved to grant a certificate of lawfulness. This was seconded by Councillor Kira Gabbert.

Members having considered the report, objections and representations, **RESOLVED** that **the EXISTING USE IS LAWFUL and a CERTIFICATE OF LAWFULNESS BE GRANTED** for the following reason:-

1. On the balance of probabilities, the "Y" Buildings have been used predominantly for an office use, and in particular have not had a democratic function, and the use has therefore been functionally separate from the remainder of the Civic Centre site which has predominantly been a sui generis use for

administrative and democratic functions to support local government.

Councillor Harris' vote against granting a certificate of lawfulness was noted.

The meeting ended at 9.27 pm

Chairman

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