

PLANS SUB-COMMITTEE NO. 2

Minutes of the meeting held at 7.00 pm on 19 August 2021

Present:

Councillor Kieran Terry (Chairman)
Councillor Michael Turner (Vice-Chairman)
Councillors Mark Brock, Peter Dean, Nicky Dykes,
Will Rowlands, Richard Scoates and Ryan Thomson

Also Present:

Councillors Simon Fawthrop

14 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

No apologies for absence were received.

15 DECLARATIONS OF INTEREST

No declarations of interest were received.

16 CONFIRMATION OF MINUTES OF MEETING HELD ON 24 JUNE 2021

RESOLVED that the Minutes of the meeting held on 24 June 2021 be confirmed and signed as a correct record.

17 PLANNING APPLICATIONS

17.1 PETTS WOOD AND KNOLL (21/01340/FULL6) - 150 Kingsway, Petts Wood, Orpington BR5 1PU

Description of application – Demolition of existing conservatory. Erection of single storey front/side extension, elevational and internal alterations.

Oral representations from visiting Ward Member Councillor Simon Fawthrop in support of the application were received at the meeting.

It was reported that comments from the occupiers of the neighbouring property had been received and circulated to Members. A response by the Development Management Area Team Leader (West) to those comments had also been sent to Members.

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 and any other planning condition(s) considered necessary by the Assistant Director, Planning.

**17.2
PETTS WOOD AND KNOLL**

(21/02711/PLUD) - 16 Silverdale Road, Petts Wood, Orpington BR5 1NJ

Description of application – Loft conversion to create a new bedroom with associated bathroom. New side and rear dormer. **LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED)**.

Oral representations in support of the application were received. Oral representations from visiting Ward Member Councillor Simon Fawthrop were also received at the meeting.

The Development Management Area Team Leader (West) reported that while Item 4.3 on the agenda related to the same property, this application had to be considered on its merits in isolation.

Members having considered the report and representations, **RESOLVED that a CERTIFICATE OF LAWFUL DEVELOPMENT BE GRANTED** as recommended, for the reason set out in the report of the Assistant Director, Planning.

**17.3
PETTS WOOD AND KNOLL**

(21/02736/FULL6) - 16 Silverdale Road, Petts Wood, Orpington BR5 1NJ

Description of application – Single storey front/side/rear extension.

Oral representations in support of the application were received. Oral representations from visiting Ward Member Councillor Simon Fawthrop in support of the application were received at the meeting. Councillor Fawthrop requested that Members consider adding conditions for the removal of Permitted Development Rights (PDRs) and Houses of Multiple Occupation PDRs.

The Development Management Area Team Leader (West) advised Members to consider carefully which classes of PDRs they deemed reasonable to remove.

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

GRANTED as recommended, subject to the conditions set out in the report and any other planning condition(s) considered necessary by the Assistant Director, Planning. The following conditions were also added:-

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure, extension, enlargement or alteration permitted by Class A, B, C, D or E of Part 1 of Schedule 2 of the 2015 Order (as amended), 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. This is with the exception of the development granted under lawful development certificate ref: 21/02711/PLUD.

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

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

It was noted that the removal of PDRs would only come into effect following the implementation of the development granted at Item 4.2.

18 CONTRAVENTIONS AND OTHER ISSUES

18.1 PETTS WOOD AND KNOLL Boundary Wall - 263 Chislehurst Road, Petts Wood BR5 1NS

Members considered whether or not enforcement action should be taken in relation to a front boundary

wall which had been repaired and in part reconstructed at a property located in a Conservation Area without planning permission.

This matter was called to Committee by a Ward Councillor who considered the wall was not in keeping with the character of the area and as a planning application had not been submitted, enforcement action should be taken.

Oral representations from the owner's agent against enforcement action being taken were received. The agent reported that as the work carried out was repair and maintenance, planning permission was not required and the Council had previously said that no further action would be taken. However, the Council was now of the opinion that an application should have been submitted.

Oral representations in favour of enforcement action were received from visiting Ward Member Councillor Simon Fawthrop who also spoke on behalf of his two Ward colleagues. He considered the previous wall had been beyond repair and was therefore knocked down and rebuilt. The replacement wall was too large, the materials were mis-matched and it was not in keeping with the Conservation Area.

The Head of Planning and Development Support circulated photographs of fences and gates within the vicinity to allow Members to compare them with the gates at the property. The current wall had been painstakingly matched to the previous wall which had been in bad condition and cracked. As the original foundations were used, the work was considered to be a repair. Legal Officers had advised it was not expedient to take action in this case. If Members were minded to authorise enforcement action, the Council would run the risk of a cost award against it if an appeal by the owner proved successful.

Councillor Turner considered the wall looked very much like the original and was not out-of-keeping with the area. The materials would weather in time and the gates compared favourably with the photographs of other similar gates in the vicinity. Councillor Turner moved that no further action be taken. Councillor Dean seconded the motion.

In response to a Member question, the Head of Planning and Development Support advised that the wall was identical to the previous one. While the gates were slightly higher, they were around the same height as others in the area.

Having visited the site, the Chairman had determined that the wall looked quite similar and he agreed the materials would weather in time making it less imposing. While the Article 4 Direction covered the construction of a gate, he queried to what extent Members were able to look at this on the basis that it was a new gate. The Chairman also alluded to the issue mentioned in the agent's comments that the Council had previously said no further action would be taken but had now changed its mind.

The Head of Development and Support reported that the photograph of the gates included in the report was taken from Google Street View 2019. The replacement gate was like-for-like. It was up to Members to decide whether it was in fact a new gate and not a replacement. The Legal Team had advised that no further action be taken so solid reasons for the need to take action would be required from Members.

A vote for no further action to be taken was lost.

Councillor Brock proposed deferral to differentiate between the height of the previous and existing gate and to determine whether the wall was a new build or not. The motion was seconded by the Chairman.

Councillor Scoates requested the addition of an informative requesting the owner to submit a planning application.

RESOLVED that the matter be **DEFERRED** to allow consideration of the differentiation between the wall and the gates and evidence of the wall being all the way down to the floor.

An informative was added requesting that the applicant submit a formal planning application for the wall and gate.

The meeting ended at 7.40 pm

Chairman

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