

## **PLANS SUB-COMMITTEE NO. 1**

Minutes of the meeting held at 7.00 pm on 3 August 2023

### **Present:**

Councillor Alexa Michael (Chairman)  
Councillor Christine Harris (Vice-Chairman)  
Councillors Jonathan Andrews, Graeme Casey, Kira Gabbert,  
Colin Hitchins, Ruth McGregor, Tony Owen and Mark Smith

### **Also Present:**

Councillor Alisa Igoe

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

Apologies were received from Councillor Laidlaw.

## **22 DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **23 CONFIRMATION OF MINUTES OF MEETING HELD ON 13 APRIL 2023**

The Minutes of the meeting held on 13<sup>th</sup> April 2023 were confirmed and signed as a correct record.

## **24 PLANNING APPLICATIONS**

Application No. and Address of Property

### **24.1 CHISLEHURST (22/03120/ELUD) - 96 Imperial Way, Chislehurst, Kent, BR7 6JR**

Description of Application: Proposed change of use from use class C3 to C4 House of Multiple Occupation. LAWFUL DEVELOPMENT CERTIFICATE (EXISTING).

In response to questions from Councillor Owen, the Legal Advisor confirmed that the relevant date for determining lawfulness was 1 September 2022 and it was for Members to consider whether a material change of use had occurred by this date.

An oral representation in support of the application was received at the meeting from the agent.

In response to questions the agent confirmed that:

- The three occupants had moved in in August 2022, before the September deadline.
- All conditions within contracts were enforced.
- Any issues were dealt with promptly and efficiently. A license was in place and landlords could face heavy fines if they were found to breach the terms of the license.

A discussion took place in Part 2 of the meeting concerning the additional evidence that had been provided. Concerns were expressed around inconsistencies within the information provided.

The Legal Advisor highlighted that the Sub-Committee needed to be satisfied on a balance of probabilities that the property was available for use as an HMO on 1 September 2023.

Ward Councillor Mark Smith explained that this issue had been stressful for local residents and it was a contentious and emotive issue and residents had reported that the owners and agents had not been responsive to complaints that had been made. Ultimately, it came down to whether the Sub-Committee was satisfied with the evidence that had been provided.

Councillor Ruth McGregor noted that a huge amount of evidence had been supplied and the judgement of Officers was that this was an HMO. Whilst regrettable the reported issues around anti-social behaviour were nothing to do with the application for a lawful development certificate. In conclusion, Councillor McGregor confirmed that she was comfortable with the application.

Other Members of the Sub-Committee noted that there remained some ambiguity over the timing of when units had been occupied and there appeared to be a lack of precision in the evidence presented.

The Chairman moved that the application be refused as the information provided was not sufficiently precise and not sufficiently unambiguous. The motion was seconded by Councillor Casey.

Members, having considered the report, objections and representations **RESOLVED that A LAWFUL**

**DEVELOPMENT CERTIFICATE BE REFUSED** on  
the following grounds -

The evidence provided in support of this application is considered to be ambiguous and not sufficiently precise to demonstrate that on the balance of probabilities, the use of the premises as a house in multiple occupation was converted under Class L of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) prior to the 1st September 2022 when the Borough wide Article 4 direction came into effect.

(Cllr Gabbert requested that her vote against the motion be recorded.)

**24.2**  
**CHISLEHURST**

**(23/01167/FULL6) – Pickwick, Kemnal Road,  
Chislehurst, Kent, BR7 6LT**

Description of Application: Proposed first floor side extension.

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

**24.3**  
**DARWIN**

**(23/01388/FULL1) – Archies Stables, Cudham Lane  
North, Cudham, Sevenoaks, TN14 7QT**

Description of Application: Provision of additional pitch comprising one mobile home and provision of utility building.

The Planning Officer reminded Members of the Public Sector Equality Duty and set out the following amended recommendations:

Condition 4: To clarify that the area to which the pitches are to be located must be within the designated traveller site inset within the green belt.

The following additional recommendations were also proposed:

1. A three-year time limit to be implemented
2. Limit the size of the additional static caravan to the one proposed given the limited size of the

site

3. Waste sewage and drainage condition.

In response to a question from the Chairman, the Planning Officer confirmed this application did not differ from an application that that been considered and refused by another Plans Sub-Committee however, this was a new application with a new reference number and needed consideration.

An oral representation, from the applicant, in support of the application was 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 and to additional and amended conditions as follows.

Additional conditions:

1. A three-year time limit to be implemented
2. Limit the size of the additional static caravan to the one proposed given the limited size of the site.
3. Waste sewage and drainage condition.

Amended conditions in relation to:

Condition 3: Details of landscaping to include trees

Condition 4: To clarify that area to which the pitches are to be located must be within the designated traveller site inset within the green belt.

Informative: Advise that further applications are unlikely to be considered favourably.

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## **CONTRAVENTIONS AND OTHER ISSUES**

NO REPORTS

26 **TREE PRESERVATION ORDERS**

NO REPORTS

27 **LOCAL GOVERNMENT ACT 1972 AS AMENDED  
BY THE LOCAL GOVERNMENT (ACCESS TO  
INFORMATION) (VARIATION) ORDER 2006 AND  
THE FREEDOM OF INFORMATION ACT 2000**

**RESOLVED** that the Press and public be excluded during consideration of the items of business referred to below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

**The following summary  
refers to matters involving exempt information**

28 **PART 2:(22/03120/ELUD) - 96 Imperial Way, Chislehurst, Kent, BR7 6JR**

The Committee noted and considered the Part 2 (exempt from publication) information.

**The Chairman moved that the attached report, not included in the published agenda, be considered as a matter of urgency in order for the applicant to meet their 15th August contractual deadline.**

**S29 BROMLEY COMMON & HOLWOOD (20/04148/FULL1) - Potters Farm,  
Turpington Lane, Bromley, BR2 8JN**

Description of Application: Demolition of existing buildings and erection of part two/part three storey building comprising 16 affordable housing apartments with 12 parking spaces, refuse and cycle store (AMENDED DESIGN).

An oral representation from the agent in support of the application was received at the meeting.

In response to questions from the Sub-Committee the agent confirmed that:

- All of the proposed 16 units were adaptable.
- The apartment block did not have a lift.
- Two of the units were on the ground floor and wheelchair accessible.
- The scheme made more efficient use of the site than the previous proposal for three bungalows. This scheme was a mix of 1 and 2 bed apartments.
- All 16 units would be affordable.

- In the view of the agent there was no need to demonstrate very special circumstances as this was appropriate development in the green belt. However, if there was a need to cite very special circumstances there were a number of such circumstances including the need for affordable housing.

The Sub-Committee noted that Ward Councillor Dr Gupta had submitted a written representation in support of the proposals and Members of the Committee confirmed that they had read the submission.

Members, having considered the report, objections and representations **RESOLVED that permission be GRANTED for the following reasons:**

**The development involves the complete redevelopment of previously developed land and contributes to meeting an identified affordable housing need. It would not cause substantial harm to the openness of the green belt for the reasons set out in the GLA planning report. It is therefore not inappropriate development by virtue of paragraph 149(g) of the NPPF.**

**This is subject to notification to the Mayor of London, an acceptable planning obligation as set out in recommendation 3 with 3 shared ownership units and 3 London affordable rent units and the imposition of such conditions that the Assistant Director of Planning considers necessary.**

**In the event an acceptable planning obligation is not completed within 3 months, the Assistant Director of Planning may thereafter refuse the application for that reason.**

The Meeting ended at 9.17 pm

Chairman