

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 6.30 pm on 14 July 2020

Present:

Councillor Alexa Michael (Chairman)
Councillor Yvonne Bear (Vice-Chairman)
Councillors Vanessa Allen, Katy Boughey, Mark Brock,
Kevin Brooks, Peter Dean, Simon Fawthrop, Colin Hitchins,
William Huntington-Thresher, Charles Joel, Russell Mellor,
Tony Owen, Angela Page, Richard Scoates, Melanie Stevens
and Michael Turner

15 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Christine Harris;
Councillor Colin Hitchins attended as substitute.

16 DECLARATIONS OF INTEREST

Councillor Dean declared a non-pecuniary interest in Item 7 as he was a long-standing member of the Broke Hill Golf Club.

17 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Two questions for written reply were submitted to the Chairman. A copy of those questions, together with the Chairman's responses can be viewed at Annex A to these Minutes.

18 CONFIRMATION OF THE MINUTES OF THE MEETINGS HELD ON 18 MARCH, 13 MAY AND 21 MAY 2020

RESOLVED that the Minutes of the previous meetings held on 18 March, 13 May and 21 May 2020 be confirmed and signed as a correct record.

19 MATTERS OUTSTANDING FROM PREVIOUS MINUTES

Members noted there were no matters outstanding from the Minutes of previous meetings.

20 PLANNING APPLICATION (20/00300/FULL1) - CAR PARK, BRINDLEY WAY, BROMLEY

Description of application – Provision of 25 new dwellings comprising 10 x 1 bed and 15 x 2 bed and realignment of Burnt Ash Lane public car park to provide 84 parking spaces, including with 15 residential parking spaces.

Oral representations from a neighbour in objection to the application included comments in regard to:-

- public car parking provision and the impact on local residents and businesses;
- insufficient car parking provision for residents;
- the uncomplimentary design of the development which was out of keeping with its surroundings;
- loss of privacy to residents;
- density of the development;
- issues with overlooking;
- standard of accommodation; and
- concerns in regard to the Air Quality Assessment.

Oral representations from the applicant's agent in support of the application included the following points:-

- No technical objections to the development were raised by members of the public.
- The provision of 25 new affordable homes for local people would not cause harm to the residential amenities of neighbouring properties.
- No technical objections were raised by statutory consultees and no adverse harm had been identified.
- All relevant surveys to the standard required by statutory consultees had been conducted.
- The scheme provided much-needed new housing on a Council owned site and made a swift contribution to the Council's housing supply.
- The scheme would lead the way in low-carbon affordable housing in the borough and was an exemplar development in terms of sustainability, quality and affordable housing provision.
- There would be no impact on current site usage in regard to fire access, refuse collection and residential refuse collection. The existing recycling facilities, electric charging points, motorcycle and disabled parking spaces would be retained or re-provided within the site. A planning condition ensured that the Council would regulate waste management strategy.
- The existing public car park would remain free to the public with no restriction on parking hours. Parking spaces would be realigned to accommodate the proposed homes. The scheme would provide additional lighting, CCTV and natural surveillance.
- No objections were raised by Highways, the lead local flood authority or Thames Water.
- 12 swift bricks would be provided to assist activities designed to abate the decline in local swift populations, as recommended by the local RSPB. The introduction of planting and landscaping would also contribute.
- The Council had no plans to introduce parking charges which addressed the objection from the Roslin Way Leisure Garden and Allotment Association.

The agent made the following statements in response to questions from Members:-

- The implementation of additional planting (including trees) would be considered.
- The timescale for possession of the site to completion of the scheme was 35 weeks. The car park would close on week 14 and re-open on week 29.
- The applicant would be willing to provide 100% active electrical car charging points.
- The swift bricks were designed to be compatible with modular housing but would need to be replaced after a certain amount of time which the applicant was willing to do.
- The proposed staircase and lift would be enclosed and therefore protected from adverse weather conditions.

The Head of Development Management gave the following updates:-

- Following publication of the report, 30 additional representations had been received in regard to:-
 - inadequate car parking and increased traffic;
 - increased parking demand in neighbouring streets;
 - pressure from other uses in the area including a new retail store and the driving test centre had not been considered;
 - impact on allotment users – there was a covenant stating that the land would continue to be used as a free car park;
 - parking reduction would impact on local shops in the area;
 - inadequate infrastructure (schools, GP services and public utilities);
 - overdevelopment;
 - overlooking and loss of privacy;
 - noise and air pollution;
 - crime and anti-social behaviour;
 - inadequate lighting;
 - Pike Close would also be redeveloped and this should be taken into account; and
 - Adverse impact on property values.

The Head of Development Management also clarified information provided in the report regarding affordable housing with particular attention to paragraphs 6.2.7, 7.3 and 8.1 as follows:-

- The application proposed 25 additional new homes at 100 percent affordable rent. This was outlined in the affordable housing statement which would form part of the approved documents. This proposal exceeded the policy requirements for affordable housing on publicly owned sites. Policy requires 50% of housing on public land to be affordable with a tenure split of 60% affordable rent and 40% intermediate provision.

- Affordable housing was usually secured by a Section 106 agreement. However, as the Council was the applicant in this case and could not enter into a Section 106 agreement with itself, the Council's legal department had advised that affordable housing should be secured by condition. The condition as recommended would secure affordable housing up to the policy compliant level of 50% (of all habitable rooms), to ensure that it was compliant with the statutory tests for planning conditions.

Having considered the above points, the officer recommendation remained to grant planning permission for the reasons set out in the main agenda.

Councillor Fawthrop moved that the application be permitted with an added condition relating to the provision of 100% active electric vehicle charging points. Councillor Brock seconded the motion and requested a further condition be added which required the specific bird boxes to be replaced at the end of their lifetime.

Councillor Allen supported the proposal and emphasised the need for the scheme to be completed within 35 weeks as stated by the applicant's agent.

Committee Member and Ward Member Councillor Turner acknowledged it was the Council's duty to look after homeless people and that this modular scheme was the first of many to be established in the Borough. Councillor Turner considered there were sufficient transport, education and GP services in the area to support residents' needs.

The Chairman stated that the application conformed to planning policies. Adequate parking facilities would be available and the scheme would provide much needed housing for homeless people.

Having considered the report, objections and representations, Members RESOLVED that the application be granted PERMISSION as recommended, subject to the conditions set out in the report of the Assistant Director, Planning and Building Control. Two further conditions were added which required the provision of 100% active electric vehicle charging points and that bird boxes be replaced at the end of their lifetime.

21 PLANNING APPLICATION (20/00984/ADJ) - FORMER BROKE HILL GOLF COURSE, SEVENOAKS ROAD, HALSTEAD, SEVENOAKS, KENT TN14 7HR

Description of application – Outline application for residential development of up to 800 dwellings, including affordable housing units and self-build plots; retirement care community for up to 180 C2 units; primary school hub with associated sports facilities/outdoor space; sports hub including rugby and hockey pitches with separate car park and clubhouse areas; 2 ha of commercial B1 use; local centre including commercial, retail and community facilities and undercroft car parking for Knockholt Station; country park/open

space including landscaping, infrastructure and groundworks; with all matters reserved except for access.

This application was an Adjoining Authority Consultation which required the Council to provide comments on the impacts of the development on the London Borough of Bromley.

The Chairman agreed with the recommendation to raise objections to the development which undermined the purpose of the Green Belt and would add pressure to GP surgeries and transport services in this part of the Borough.

Councillor Page reported that, if permitted, the scheme would greatly affect her Ward in terms of impact on local facilities and services.

Councillor Dean believed the owner bought the land with the sole intention of developing the site to make a profit for himself. If permission was granted for this application, Chelsfield Golf Course may suffer the same fate.

The Head of Development Management confirmed that the site was originally included in Sevenoaks' Local Plan but was later removed. In relation to the recommendations in the report, Bromley Council had previously raised an objection regarding the impact on local education.

Councillor Huntington-Thresher reported the scheme would have a significant impact on local roads and transport.

Having considered the report, Members RESOLVED that OBJECTIONS BE RAISED for the following reasons:-

- 1 The location and scale of the proposed development undermines the purposes of the Green Belt within which it is set.**
- 2 In the absence of new on-site medical practitioner facilities, the proposed development would have the potential to add significant pressure to existing medical practitioner facilities within Bromley which are already near or at full capacity.**
- 3 The proposal is likely to result in a number of impacts on transport services and local roads in Bromley, including concerns relating to the local rail capacity, car parking demand (including on-street) demand at Knockholt Station and the future car trip generation created from the on-site commercial centre and lack of secondary school.**

The following objection was also added:-

- 4 In the absence of evidence to demonstrate how the creation of new schools in Sevenoaks would impact on local school needs, the projected expansion of the on-site primary school and the breadth**

of the curriculum available, that may have the potential to impact on the capacity of a nearby primary school within the Borough.

22 SHORTLANDS VILLAGE CONSERVATION AREA

REPORT HPR2020/016

Members considered an assessment of the proposed Shortlands Village Conservation Area which would form the basis of a public consultation exercise to seek views regarding the designation of the proposed Conservation Area.

The Chairman considered that, due to the holiday period when many people would be away, the timeframe for the consultation was too short and requested that it be extended until the end of September. The Head of Planning Policy and Strategy agreed to extend the consultation period.

Councillor Mellor supported the extension of time which would allow any minor difficulties to be resolved.

Councillor Allen requested that the consultation be formulated in a way that allowed for openness and honesty.

RESOLVED that:-

- 1 the Shortlands Village Conservation Area assessment be noted;**
- 2 a public consultation exercise regarding the potential designation of the Shortlands Village Conservation Area, based on the proposed consultation materials (which may be amended prior to consultation), be agreed; and**
- 3 the consultation timeframe be extended until the end of September.**

23 UPWARDS EXTENSION PERMITTED DEVELOPMENT RIGHTS

REPORT HPR2020/015

Members considered details of the new Upwards Extension Permitted Development (PD) rights published by the Government on 24 June 2020 which allowed purpose built blocks of flats to extend upwards by a maximum of two storeys to provide new residential units. These rights were due to come into force on 1 August 2020.

As there were various restrictions on the use of these rights, prior planning approval would be required in relation to potential impacts as highlighted in the report.

The Government's previous consultation on this matter proved to be unpopular and the Chairman asked Members to consider whether she should write to the Government outlining the Council's concerns.

Councillor Fawthrop pointed out that the Government intended to extend the Upwards Extension Permitted Development Rights to individual dwellings in the autumn. In the light of this, he requested that two further recommendations be added to the report as follows:-

- That the Head of Planning Policy and Strategy undertake preliminary work on implementing Article 4 Directions for specific areas such as Areas of Special Residential Character and bungalows.
- That the Chairman write to the Secretary of State voicing the Council's views and concerns.

The Head of Planning Policy and Strategy confirmed that the new PD rights applied only to blocks which were solely residential. As a number of elements would need to be considered when planning applications were submitted, each application would be decided on its own merits.

RESOLVED that:-

- 1 the details of the new Upwards Extension PD right and the discussion of potential impacts, be noted;**
- 2 the Head of Planning Policy and Strategy undertake preliminary work on implementing Article 4 Directions for specific areas such as Areas of Special Residential Character and bungalows; and**
- 3 the Chairman write to the Secretary of State voicing the Council's views and concerns.**

24 LOCAL DEVELOPMENT SCHEME – 2020 UPDATE

REPORT HPR2020/013

The Local Development Scheme (LDS) sets out the indicative timetables for the preparation of planning policy documents that the Council intends to produce or review, including a review of the Local Plan and the preparation of Supplementary Planning Documents (SPDs).

Members were requested to consider the 2020 Update for the LDS and to note the potential further minor changes which were dependent on the adoption of the London Plan. The Committee were also requested to recommend that the Executive approve the revised LDS.

RESOLVED that the Executive be recommended to approve the publication of the revised Local Development Scheme, noting the potential further minor changes which were dependent on the adoption of the London Plan.

25 PLANNING SERVICE IMPROVEMENTS

Members considered the current position in respect of continuous improvements to the Planning Service. Various aspects in the report were originally published on the agenda for the DCC meeting in March 2020 and were subject to delegation. However, some matters required Councillor decisions and had, therefore, been re-submitted in this report.

The Chairman emphasised the importance of this guide for Members when determining planning applications.

At the Chairman's suggestion, it was agreed that paragraph 4.5 on page 173 of the draft Protocol, be amended to read:-

'It is often useful for committee members to visit a site to familiarise themselves with it prior to consideration of an application at committee. If Members do encounter an applicant or neighbour during any informal visit, they should not express an opinion, either for or against.'

Councillor Allen proposed that the top of the draft Local Planning Protocol document refer Members to the Probity in Planning Protocol and Code of Conduct which required them to follow the seven principles outlined therein. Councillor Owen seconded the proposal. In response to a question from Councillor Fawthrop as to whether there were any sanctions for Councillors who breached the new Protocol, the Assistant Director, Planning and Building Control said he would confer with legal colleagues on this matter.

In response to Councillor Allen's request for updates on the recommendations, the Assistant Director, Planning and Building Control confirmed that further reports on call-ins and appeals and costs would be submitted to future meetings of the DCC.

The Chairman confirmed that recommendation 12 would not be implemented. Training (Recommendation 19), should be given to committee members and, if not made compulsory, Councillors should be strongly encouraged to attend, especially if they were members of Plans and/or DCC committees.

The Chairman welcomed the removal of lists from planning agendas. This would allow Members to permit applications recommended for refusal that would previously have been listed under 'Section 4' and could not be overturned as they had to be either refused or deferred to return to 'Section 2' for further consideration at a later date.

The Chairman stated the benefits of recording committee meetings so that a wider audience could be reached. This would also help the Council at appeals as no details of the meeting could be missed.

RESOLVED that:-

- 1 the Local Planning Protocol for referral on to Full Council for adoption as part of the Council's Constitution be agreed;**
- 2 the approach in respect of planning conditions and 'Lists' for planning committee agendas and reports be agreed;**
- 3 the recording of Plans Sub and Development Control Committee meetings be agreed and that the recordings be published;**
- 4 Paragraph 4.5 on page 173 of the draft Protocol be amended to read:- It is often useful for committee members to visit a site to familiarise themselves with it prior to consideration of an application at committee. If Members do encounter an applicant or neighbour during any informal visit, they should not express an opinion, either for or against.'; and**
- 5 the top of the draft Local Planning Protocol document refer Members to the Probity in Planning Protocol and Code of Conduct which required them to follow the seven principles outlined therein.**

The Chairman moved that the following report, not included in the published agenda, be considered as a matter of urgency on the following grounds:-

'The report was due to be considered at a previous meeting of the Development Control Committee but was ultimately deferred. It has, therefore, been re-submitted for Member consideration.'

26 BECKENHAM TOWN CENTRE CONSERVATION AREA APPRAISAL

Members were requested to adopt the Beckenham Town Centre Conservation Area Appraisal which provided a statement of character and appearance for the conservation area together with a management plan for its conservation. The adopted Conservation Area Appraisal would be a material consideration in the determination of future planning applications in and adjacent to the Beckenham Town Centre Conservation Area.

Councillor Mellor welcomed the Appraisal and accepted that further minor formatting changes could follow.

Councillor Dean proposed that the Conservation Area Appraisal be adopted; Councillor Mellor seconded the proposal.

Development Control Committee
14 July 2020

Councillor Allen emphasised the need for Conservation Areas to be protected. She proposed that a factual statement be added confirming that the Appraisal accorded with the National Planning Policy Framework and encouraged officer consultation with the Advisory Panel for Conservation Areas on planning applications. The Head of Planning Policy and Strategy agreed to add a statement entitled 'This is how an application will be assessed'.

RESOLVED that, subject to the amendment indicated above, the Beckenham Town Centre Conservation Area Appraisal be adopted. Members also noted that the document may be subject to further minor formatting changes.

The meeting ended at 7.50 pm

Chairman

ANNEX A

QUESTIONS FROM MEMBERS OF THE PUBLIC FOR WRITTEN RESPONSE BY THE CHAIRMAN OF DCC IN RELATION TO ITEM 9 – UPWARDS EXTENSION PERMITTED DEVELOPMENT RIGHTS

Question 1: From Mr Clive Lees, Chairman, Ravensbourne Valley Residents

With regard to Upwards Extension Permitted Development Rights, would the Council undertake to review relevant blocks of flats across the borough with a view to making an Article 4 Direction where any further Upwards Extension would lead to long-lasting and serious harm to the street scene?

Chairman's Response

The report to DCC on 14 July 2020 includes discussion of the potential impacts of the upwards extension PD rights and identifies Article 4 Directions as a possible option to remove PD rights in certain areas, where adverse impacts are considered likely to materialise. Article 4 Directions must be justified in line with national planning guidance. We cannot commit to a review of all relevant blocks of flats across the borough to inform an Article 4 Direction, but we will seek up-to-date evidence to inform any Directions, which may include consideration of the existing types of housing in particular areas. These could include blocks of flats which have special architectural merit and where an upwards extension would be wholly inappropriate.

Question 2: From Mr Clive Lees, Chairman, Ravensbourne Valley Residents

Cameron House, Highland Road, BR1 and Treversh Court and Townend Court, both of Grasmere Road, BR1, already impact on the view of the eastern Ravensbourne Valley ridge which is referred to in the Bromley Local Plan under Policy 48, para 5.1.22. Would the Council undertake to make an Article 4 Direction in respect of these properties in order to protect the view in accordance with Policy 48?

Chairman's Response

No, we cannot commit to Article 4 Directions for these particular properties. As noted in the response to Q1, the Council will consider the potential for Directions where there may be adverse impacts. It is considered unlikely that Directions related to individual properties will be justified in line with national planning guidance. Justification for Directions is more likely to correlate with specific designations set out in planning policy.

This page is left intentionally blank