

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 6.30 pm on 19 November 2020

Present:

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

Also Present:

Councillors Kieran Terry and Pauline Tunncliffe

42 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor William Huntington-Thresher.

43 DECLARATIONS OF INTEREST

Councillor Stevens declared a non-pecuniary interest in Item 6 as she was acquainted with one of the residents. Councillor Stevens did not take part in the discussion or vote.

Councillors Dean, Harris, Boughey and Joel declared a non-pecuniary interest in Item 6 as they were acquainted with both the applicant and agent. They remained in the meeting and took part in the discussion and vote.

Visiting Member Councillor Tunncliffe declared a non-pecuniary interest in Item 6 as she was acquainted with the applicant and agent.

44 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

45 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 24 SEPTEMBER 2020 AND MINUTES OF THE SPECIAL MEETING HELD ON 20 OCTOBER 2020

Minutes of 24 September 2020, page 6, second bullet point – the first sentence was amended to read:- ‘An application earlier in the year for a part three and part four storey block of 34 *standard C3 flats* was refused by Members solely on the grounds of loss of specialist accommodation.’.

RESOLVED that subject to the amendment above, the Minutes of the meeting held on 24 September 2020 and the Minutes of the special meeting held on 20 October 2020 be confirmed and signed as a correct record.

46 MATTERS OUTSTANDING FROM PREVIOUS MINUTES

Members noted that all matters outstanding from previous meetings had been completed.

47 PLANNING APPLICATION (20/02697/FULL1) - 18 HOMEFIELD RISE, ORPINGTON BR6 0RU (Orpington Ward)

Description of application – Demolition of 4 pairs of semi-detached two storey houses and one detached bungalow and erection of one part 3/part 4 storey building at 18-28 Homefield Rise comprising 37 x 1 and 2 bedroom apartments with 22 parking spaces (Block A/Phase 1). Erection of one part 3/part 4 storey building at 38-44 Homefield Rise comprising 31 x 1 and 2 bedroom apartments with 20 parking spaces (Block B/Phase 2). Erection of cycle and refuse stores. Associated landscaping and tree planting (Amended Description).

Oral representations on behalf of Lancing Residents' Association in objection to the application were received.

Oral representations from the applicant's agent in support of the application were received. In response to questions from Members, the agent reported that:-

- the Section 106 obligation would apply to Phase 3. In regard to Phase 3, an agreement had already been reached with three of the owners and discussions were taking place with the owner of the fourth property. He was confident that Phase 3 would come to fruition; and
- the applicant was willing to provide 100% car parking spaces with electric charging points.

Oral representations in support of the application were received from visiting Ward Member Councillor Tunnicliffe who considered that the scheme provided adequate privacy and minimised overlooking. The development also included the correct percentage of affordable housing. The proposed 1 and 2 bedroom units would enable young people to step onto the property ladder, were suitable for small families and ideal for older residents wishing to downsize. The development would regenerate the area and improve the environment. The scheme offered a solution to provide much needed appropriate housing at affordable prices in Orpington.

The Development Management Team Leader – Major Developments, gave the following updates:-

- The applicant had secured an option agreement with one of the landowners living in Phase 3, as opposed to 3 options agreements as stated in the committee report.
- The other 2 option agreements (referred to in the report) were completed with a third party (an agent) and one of the agreements was expiring on the 27 Dec 2020.
- There were 17 bus routes within 5 mins walk; page 35 and paragraph 6.5.6 references 13 in error.
- The 2 year car club members' head of terms on page 76 should say 20 free hours per dwelling.

Opening the debate, the Chairman considered this scheme was an improvement on the previous application. The buildings would be set further back and would provide much-needed housing. The scheme included an attractive landscaping plan and overall the development would regenerate the local area. The Chairman moved that the application be permitted.

The Development Management Team Leader – Major Developments confirmed that the provision of bat boxes, bird boxes and swiftbricks would be conditioned and include a requirement that they be replaced at end of life.

Councillor Harris seconded the motion for permission, stating that there was a desperate need for this type of housing and that all issues had been addressed.

Councillor Mellor raised concerns as to whether the S106 Agreement was sound. He objected to the application on the grounds of overdevelopment stating that housing should not be provided at the cost of everything else.

Councillor Boughey noted that the area was designated in the Local Plan as a development site for housing. Privacy screening was adequate and overlooking minimised.

Councillor Fawthrop was concerned that the entire scheme would not be completed which would impact on the street scene if Phase 3 were to fail. He moved that the application be refused on the grounds of building height and insufficient information to prove that the entire scheme would be delivered. Councillor Mellor seconded the motion.

Having considered the report, objections and representations, Members RESOLVED that PERMISSION BE GRANTED SUBJECT TO THE PRIOR COMPLETION OF A SECTION 106 AGREEMENT as recommended and subject to the conditions and informatives set out in the report of the Assistant Director, Planning and Building Control. A further two conditions requiring the provision and replacement of bat boxes, bird boxes and swiftbricks and the provision of 100% electric car charging points were added.

**48 PLANNING APPLICATION (20/02903/FULL1) - BANBURY HOUSE,
BUSHELL WAY, CHISLEHURST BR7 6SF (Chislehurst Ward)**

Description of application – Erection of part two storey/part three storey building providing 25 residential units comprising 8 x 1-bedroom units and 17 x 2-bedroom units with 18 car parking spaces (including 3 disabled spaces), refuse/recycling store and cycle parking.

Oral representations from the Operations Director for Module-AR in support of the application were received. In response to questions from Members, the Operations Director explained how the proposed photo-voltaic panels would provide the development with a constant and renewable source of electricity that would off-set both carbon and tenant fuel bills. The number of car parking spaces would increase over time and improvements made with the provision of electric car charging points. Areas had been identified for the installation of bird boxes and bug hotels which would be replaced at end of life. He anticipated that work would start at the beginning of February and complete by the first week in September.

The Development Management Team Leader – Major Developments, gave the following update:-

- The recommendation on the front page should read 'approval'. The planning application was recommended to be granted subject to the transfer of funds and conditions.
- The GIA set out on the first table was confirmed as approximately 975spm. The GEA mentioned in the report had been inserted in error.
- The site area was 0.29 ha.
- A revised cycle store drawing had been submitted which showed the space could accommodate double stacked cycle parking for a total of 42 spaces.
- A site notice was referenced in paragraph 7.1 of the report. A site notice was not a statutory requirement for this type of application and was not put up. 61 neighbours were written to directly, a newspaper advert was also published and the neighbours were reconsulted on updated plans.
- 20 late objections had been received. These were largely covered in the report. However, Members were emailed the points and responses that were not fully addressed in the scheme earlier in the day.
- The financial payments had all been agreed.
- It was suggested that a condition for biodiversity enhancements be added to the recommendation.

In opening the debate, Committee Member and Ward Member Councillor Boughey considered this was an ideal site for housing. However, she was concerned with the design aspect and parking provision. It was disappointing to learn that contrary to Ward Councillors' views, the units were of modern architectural design with square flat roofs and were completely out of character with the surrounding area (photographs of the local surroundings

had been circulated to Members prior to the meeting). The site was located in a low PTAL area with poor access to transport, so the proposed provision of just 18 car parking spaces was at the low end of Parking Standards. Councillor Boughey moved that the application be deferred to seek redesign of the units. Councillor Fawthrop seconded the motion for deferral.

Councillor Allen moved that permission be granted; this was seconded by Councillor Harris who stated that the scheme would make a significant contribution to the provision of much-needed social housing.

The Development Management Team Leader – Major Developments advised Members that putting pitched roofs on the scheme would require it to be redesigned which would result in further work and the project would be delayed due to the requirement to reconsult before coming back for consideration by Members. The Head of Regeneration added that she was aware of the design constraints and this was a matter of balancing massing with costs. Re-designing the scheme could result in the provision of units being reduced by half.

Having considered the report, objections and representations, Members RESOLVED that PERMISSION BE GRANTED SUBJECT TO THE TRANSFER OF FUNDS as recommended and subject to the conditions and informatives set out in the report of the Assistant Director, Planning and Building Control with the Environmental condition to include the replacement of bird boxes and bug hotels at the end of life.

49 PLANNING APPLICATION (20/02944/FULL1) - LAND ADJACENT ANERLEY TOWN HALL ANERLEY ROAD, WILLIAM BOOTH ROAD, PENGE, LONDON (Crystal Palace Ward)

Description of application – Redevelopment of Anerley Town Hall overflow car park for the erection of a part three storey to provide 10 residential flats comprising 4 x 1 bed and 6 x 2 bed flats. Creation of a new access onto George Groves Road and provision of 7 off-street parking spaces, cycle spaces and associated amenity spaces.

Oral representations from the applicant's architect in support of the application were received at the meeting. In response to questions from Members, the architect reported that the proposal for 4 x 1 bedroom and 6 x 2 bedroom was decided as part of the development briefing given for the site. Being regulated by a general-wide policy, there was a need for the right mix of accommodation in that particular neighbourhood. One unit would be wheelchair accessible. Six off street parking bays would be provided and it was anticipated that further infrastructure would be built to include electric car charging bays. He agreed that at least two of the current proposed bays would include active electric charging points.

The Development Management Team Leader – Major Developments, confirmed that all financial agreements had been agreed. She also suggested

that a condition for biodiversity enhancements be added to the recommendation.

Councillor Allen reported that Ward Member Councillor Wilkins strongly supported the application. Councillor Allen moved that the application be permitted and if approved, would like to see construction begin without delay. Councillor Brooks seconded the motion for approval stating that parking was not a big issue with buses and trains being easily accessible.

Having considered the report, objections and representations, Members RESOLVED that PERMISSION BE GRANTED SUBJECT TO THE TRANSFER OF FUNDS as recommended and subject to the conditions and informatives set out in the report of the Assistant Director, Planning and Building Control. A further condition for at least two of the proposed parking spaces to include electrical car charging points was added.

50 PROPOSED NON-IMMEDIATE ARTICLE 4 DIRECTIONS TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR UPWARDS EXTENSIONS IN SPECIFIED AREAS

REPORT HPR2020/040

Members considered whether 15 non-immediate Article 4 Directions should be made to withdraw permitted development rights (PDRs) which allowed blocks of flats to be extended upwards by up to two storeys to provide new residential units. The Directions would apply to the 13 Areas of Special Residential Character shown in the Bromley Local Plan (January 2019) and to two discrete areas which fell within local views. The Directions would come into force 12 months from the date the Directions were made, subject to confirmation by the Renewal, Recreation and Housing Portfolio Holder.

Councillor Fawthrop suggested that as there was only one block of flats in the Petts Wood Area of Special Residential Character (ASRC) which was located on the ASRC boundary, the Petts Wood Article 4 Direction could be made immediately. The Head of Planning Policy and Strategy explained that the proposed Article 4 Direction also applied to dwelling houses that were two or more storeys high. While the Article 4 Direction could be made immediately, he was concerned that this would raise the risk of the Council having to pay costly compensation. He confirmed that properties built prior to 1948 were exempt. As the majority of properties were built prior to that date, Councillor Fawthrop proposed that the Article 4 Direction for Petts Wood be made immediately. Councillor Mellor agreed that there was a valid case for making immediate Directions and seconded the motion

The Head of Planning Policy and Strategy agreed to consult with the legal team in regard to the risk of compensation.

Members RESOLVED:-

- 1) to endorse the making of 14 non-immediate Article 4 Directions (covering the areas shown in the plan attached at Appendix 1 except for the Petts Wood ASRC) to withdraw the following permitted development rights granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the GPDO”), Schedule 2:**
 - Part 1, Class AA
 - Part 20, Class A
 - Part 20, Class AA
 - Part 20, Class AB
 - Part 20, Class AC
 - Part 20, Class AD

- 2) to note that the Portfolio Holder for Renewal, Recreation and Housing would be asked to authorise the making of 14 non-immediate Directions and subsequent public consultation for a period of 6 weeks. The Directions would come into force 12 months from the day on which they were made if they were subsequently confirmed following public consultation. Any confirmation of the Directions would be subject to a future decision.**

- 3) to endorse the making of one immediate Article 4 Direction (covering the Petts Wood ASRC) to withdraw the following permitted development rights granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the GPDO”), Schedule 2:**
 - Part 1, Class AA
 - Part 20, Class A
 - Part 20, Class AA
 - Part 20, Class AB
 - Part 20, Class AC
 - Part 20, Class AD

- 4) to note that the Portfolio Holder for Renewal, Recreation and Housing would be asked to authorise the making of one immediate Direction for the Petts Wood ASRC.**

Following the meeting, the Head of Planning Policy and Strategy checked the regulations and noted that they did not allow an immediate Direction to be put in place for the new Part 20 PD rights. They did however, allow for immediate Directions relating to Part 1 PD rights, so an immediate Direction to remove Part 1, Class AA PD rights in the Petts Wood ASRC could be made.

As the making of the Directions was a Portfolio Holder decision, it was recommended that an addendum be added to the report submitted to the Portfolio Holder explaining the situation and recommending that a non-immediate Direction for Petts Wood ASRC be put in place to remove Part 20 PD rights and an immediate Direction to remove Part 1 PD rights in the Petts Wood ASRC. Non-immediate Directions would be made to cover the remaining ASRCs and views proposed in the report and agreed by the Committee.

51 PROPOSED NON-IMMEDIATE ARTICLE 4 DIRECTIONS TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR OFFICE TO RESIDENTIAL DEMOLITION IN BROMLEY'S DESIGNATED OFFICE AND INDUSTRIAL AREAS

REPORT HPR2020/041

Members considered the making of 20 non-immediate Article 4 Directions to withdraw the permitted development (PD) right for demolition of purpose-built detached buildings used for offices (B1a office, B1b research and B1c light industrial) together with their replacement with a single detached block of flats or a single dwelling house. The Directions would apply to the three Business Improvement Areas (BIA) in Bromley Town Centre; the majority of Strategic Industrial Locations (SIL) and Locally Significant Industrial Sites (LSIS); and all three Office Clusters, all as shown in the Bromley Local Plan (January 2019). The Directions would come into force at least 12 months after being made, subject to confirmation by the Renewal, Recreation and Housing Portfolio Holder after taking account of representations received.

The Chairman emphasised the need for office and industrial spaces to be protected.

Councillor Mellor was opposed to the conversion of office/industrial use to residential use. Buildings were initially constructed for specific purposes and conversion of office to residential use often resulted in accommodation that was not fit for purpose.

Members were informed that the 12 month delay on making the Article 4 Directions was required to remove the risk of the Council having to make compensation payments.

Councillor Joel stated that the majority of planning applications for conversion would contain details of the unsuccessful attempts to market office/industrial space. Councillor Joel supported the recommendations.

RESOLVED that:-

- 1) Members endorse the making of 20 non-immediate Article 4 Directions to withdraw the permitted development right granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO"), Schedule 2, Part**

20, Class ZA, which permits a single detached building comprising uses falling within Class B1(a) (office), Class B1b (research) or Class B1c (light industrial) to be demolished and replaced with a residential (Use Class C3) use. The areas in which the Article 4 Directions would apply were shown in the plan attached at Appendix 1; and

- 2) Members note that the Portfolio Holder for Renewal, Recreation and Housing would be asked to authorise the making of 20 non-immediate Directions and subsequent public consultation for a period of 6 weeks. The Directions would come into force 12 months from the day on which they were made, if they were subsequently confirmed following public consultation. Any confirmation of the Directions would be subject to a future decision.**

52 PLANNING APPEALS - COSTS 2019-2020

Report HPR2020/34

The report provided an update on the award of costs from planning appeals made in the financial year 2019/2020. 13 applications claiming for costs were made in the period April 2019 to March 2020 of which 5 had been allowed and 8 refused. The report also provided an update on cost claims that were paid in 2019/2020. The total of planning appeal cost claims paid in 2019/2020 was £36,236.15. The Council had actively been applying for an award of costs against the appellant where the Council believe they had acted unreasonably. Three cases had been applied for within this financial year, two had been refused and one was awaiting a decision.

Councillor Mellor stated that the cost of appeals reported in the past were thought to be considerable. The total cost of £36,236.15 was in fact minimal compared to the costs won by the Council where appeals had been disallowed. On this basis, he considered that a broader view should be taken by Members when considering applications.

Councillor Allen noted that a number of claims had not yet been decided so the actual cost could rise significantly. She considered that these costs were avoidable and should not be incurred in the first place.

The Assistant Director, Planning confirmed that the costs set out in the report were made against the Council for unreasonable behaviour. It was difficult to predict cost claims for appeals allowed so where those were not yet known, they were marked as 'awaiting claim' in the appendices to the report. He agreed to check on the costs awarded to the appellant on the two appeals for Land at South Eden Park Road which were not included in the report.

Councillor Bear noted that the costs allowed were only part of the overall financial status; there were also costs for independent consultants and the

Council's appeals team. She requested that these be included in future reports.

The Assistant Director, Planning confirmed that further details would be included in the next report to the Committee in relation to the three cases where the Council had actively been applying for an award of costs against the appellant where the Council believed they had acted unreasonably.

RESOLVED that the report be noted.

53 PLANNING APPEALS MONITORING REPORT - FINANCIAL YEAR 2019-2020 (INCLUDING YEAR TO DATE 2020/2021)

Report HPR2020/33

This report provided an update on the planning appeals received and decided in the financial year 2019/2020 and included the first six months of 2020/2021 to capture the decisions of the majority of appeals made in the financial year 2019/2020. Some charts showed a comparison of Bromley's statistics with those nationally, however the national figures for the last quarter would not be available until November 2020.

Due to the Covid19 pandemic, rules for conducting site visits, hearings and inquiries had changed.¹ Physical events were not being undertaken for the foreseeable future. Wherever reasonable to do so, site visits were being arranged rather than events. Some virtual hearings were taking place and it was hoped that the vast majority of all postponed hearings would take place as soon as possible in the following months. In relation to planning inquiries, the Planning Inspectorate had been holding numerous case conferences with a view to turning a few into virtually held inquiries; the remaining ones would be re-arranged at the earliest opportunity. Therefore, as a result of the difficulties in conducting site visits, hearings and inquiries there had been a delay in appeal decisions being made.

¹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/889299/COVID-19_Guidance_for_site_visits_hearings_and_inquiries_28_May_2020v2.odt

The Assistant Director, Planning reported that appeals could take up to one year for a decision to be made. Therefore, this report related to cases prior to the introduction of the Planning Advisory Service report. It was likely that a number of decisions which had been delayed due to the Covid-19 pandemic would be delayed into 2021.

Councillor Allen considered that this report showed there was an urgent need for more Member training. The number of applications overturned, together with the number of call-in applications refused by Members showed that Members continually ignored the advice given by planning officers in the reports. As a result, Councillors' actions were the cause of many lost appeals. The Chairman responded that the most contentious applications were

submitted for consideration by Members and the outcome could go either way. Councillor Owen believed that officer recommendations prejudiced Inspectors' decisions.

RESOLVED that the report be noted.

54 INFRASTRUCTURE FUNDING STATEMENT 2020

Report HPR2020/044

Member agreement was sought publish an annual 'Infrastructure Funding Statement' as required under the Community Infrastructure Levy Regulations 2010 (as amended) by 31 December 2020. Under the regulations the Council was designated as a 'contribution receiving authority' and was required to publish certain information in respect of S106 amounts collected.

RESOLVED that the Infrastructure Funding Statement at Appendix 1 be approved, noting that it will be published on the Council's website by 31 December 2020 to comply with the requirements of the Community Infrastructure Levy Regulations 2010 (as amended).

55 SELF-BUILD AND CUSTOM HOUSEBUILDING REGISTER – LOCAL CONNECTION TEST

REPORT HPR2020/043

Following the introduction of the Self Build and Custom Housebuilding Act 2015, it was the Council's duty to hold a register of people seeking to acquire serviced plots of land in their area in order to build homes for their occupation.

Bromley's register first came into effect in April 2016, reflecting the regulations at the time. Regulations introduced subsequently allowed local authorities to introduce additional criteria for entry onto the register – including a local connection test. This report sought Members' agreement to introduce a local connection test requiring entrants onto the register to live in the Borough for a certain period of time in order to be eligible for acceptance onto the register.

Regarding existing entrants on the register, officers would write to those individuals or associations of individuals in early 2021 to note the introduction of the local connection test and invite them to provide further information to address the local connection test in order to remain on the register. This was consistent with the Regulations, which allowed for the removal of an entry from the register if the authority considered that the individual (or in the case of an association, any member of the association) was no longer eligible for entry in the register.

Councillor Fawthrop considered the proposals to be a sensible way forward and moved that the recommendations be agreed.

Councillor Allen was opposed to the introduction of a local connection test. People moved from place to place as a matter of course so there was no point in having the test. The Council had never been inundated with requests for self-build accommodation.

Councillor Harris seconded the motion to agree the recommendations.

RESOLVED that:-

- 1) the introduction of a local connection test which would be used to assess future applications for entry onto the Bromley self-build and custom housebuilding register be agreed; and**
- 2) the local connection test be applied retrospectively by writing to existing entrants on the register and inviting them to provide information to demonstrate that they meet the local connection test, in order to remain on the register.**

56 AUTHORITY MONITORING REPORT 2018/19

Report HPR2020/042

Members considered the Council's Authority Monitoring Report (AMR) for the period 1 April 2018 to 31 March 2019 (2018/19). The AMR was a statutory requirement and set out key information about the planning system in the London Borough of Bromley for 2018/19 and the extent to which the policies set out in the adopted Local Plan (2019) were being implemented.

RESOLVED that the Council's Authority Monitoring Report for 2018/19 be agreed and Members noted that the document would be published on the Council's website.

The meeting ended at 8.40 pm

Chairman