

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 6.30 pm on 28 January 2021

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,
William Huntington-Thresher, Charles Joel, Russell Mellor,
Tony Owen, Angela Page, Richard Scoates, Melanie Stevens
and Michael Turner

Also Present:

Councillor Will Harmer

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

There were no apologies for absence; all Members were present.

2 DECLARATIONS OF INTEREST

Councillor Brock declared a non-pecuniary interest in Item 6 as he was employed by the company that supplied Travis Perkins and this site would become one of his accounts if permission was granted. Councillor Brock did not take part in the discussion or vote.

The Chairman and Councillor Harris declared a non-pecuniary interest in Item 7 as they were acquainted with George Burr through the Beckenham Conservative Association.

Councillor Scoates declared a non-pecuniary interest in Item 7 as one of his relatives lived in the vicinity of the application site. He did not take part in the discussion or vote.

Councillor Huntington-Thresher declared a non-pecuniary interest in Item 7 as he had advocated on behalf of residents on the previously refused application and was acquainted with one of the speakers at that time through the Orpington Conservative Association.

3 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

4 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 19 NOVEMBER 2020

Minute 50, page 4, final paragraph

The Head of Planning Policy and Strategy reported that the Article 4 Directions were signed off by the Renewal, Recreation and Housing Portfolio Holder on 24 December 2020 and were currently with the Legal Team. The immediate Article 4 Direction would be made first. He agreed to circulate the timeframe for completion to Members.

RESOLVED that the Minutes of the meeting held on 19 November 2020 be confirmed and signed as a correct record.

5 MATTERS OUTSTANDING FROM PREVIOUS MINUTES

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

6 PLANNING APPLICATION (19/04839/FULL1) - BRITISH GAS SITE, HOMESDALE ROAD, BROMLEY BR1 2UE

Description of application – Construction of a builders' merchants building (Sui Generis use) and associated storage and loading areas, creation new vehicular access to Homesdale Road, a new substation, 6no. residential dwellings, with associated car and cycle parking, landscaping and associated highways works.

Oral representations were received from the applicant's agent who urged Members to reject the recommendation to contest the appeal.

In response to Member questions, the agent reported that the appeal had not yet started. Therefore, if the application were to be deferred, he would be willing to enter into negotiations with the Council to resolve issues and bring forward a further application.

The Head of Planning Policy and Strategy confirmed that the site met the definition of 'developable' within the NPPF and it remained in the Bromley Local Plan as an allocated site.

Referring to the second recommendation to contest the appeal (page 51), the Development Management Team Leader – Major Developments informed Members that work could continue with the agent and Environmental Health Department to resolve the issues regarding noise impact. If successful, then Recommendation 2 would not be included as a ground for appeal. In regard to the third recommended ground, the Environment Agency was a statutory consultee, so suggestions would be passed to them. For this reason, recommendation 3 should remain.

The Chairman noted that the site was allocated in the Bromley Local Plan for 60 houses; this was a commercial-led development with only six residential dwellings which appeared to be a token attempt for a housing site. In a letter circulated to Members, the applicant made a point that the land was contaminated and could not, therefore, be used for housing. The Chairman considered that, regardless of the future use, the land would still remain contaminated.

The Chairman moved that the appeal be contested on grounds 1 and 3 as set out in the report.

The Development Management Team Leader reported that an engineering assessment had been requested from the applicant. While a lot of correspondence had taken place, to date no assessment had been submitted. The Environment Agency still had a standing objection.

Councillor Fawthrop suggested that the appeal be contested but further discussions be undertaken with the applicant to seek a new application for more residential dwellings. If this proved to be unsuccessful, then the appeal would go ahead.

Councillor Allen preferred the site to be used for housing. However, due to advice given by Health and Safety officers, she was not convinced the site was developable at all.

Councillor Dean seconded the motion to contest the appeal.

Having considered the report, objections and representations, Members RESOLVED TO CONTEST THE APPEAL as recommended, on grounds 1 and 3 set out in the report of the Assistant Director, Planning.

It was FURTHER RESOLVED that ground 2 recommended in the report, be delegated to officers for attempts to be made to resolve issues with the applicant and Environment Health Department. If unsuccessful, ground 2 would be included in the grounds for contesting the appeal.

7 PLANNING APPLICATION (20/01130/FULL1) - 146 CHARTERHOUSE ROAD, ORPINGTON BR6 9EU

Description of application – Demolition of 5 existing houses and associated structures and erection of 28 residential units comprising an apartment block with 9x1 bed and 11x2 bed units and 8x3 bed houses, together with basement car parking with access from Saltwood Close, surface level car parking, cycle parking, refuse and recycling facilities and associated landscaping.

Oral representations from a neighbour in objection to the application were received at the meeting.

Oral representations in support of the application were received from the applicant's agent. The Construction and Logistics Plan submitted by the applicant addressed most of the issues raised by the objector.

In response to questions from Members, the agent reported that:-

- the applicant would accept a condition that the Construction and Logistics Plan be used as a minimum level when agreeing a Construction Management Plan with the Council;
- the payment offered in lieu of affordable housing would not change; and
- an 'allocated parking' sign would be sufficient to ensure security of the four parking spaces adjacent to 2 Saltwood Close.

The Development Manager Team Leader reported the following:-

- further objections had been received, some of which had already been addressed in the report;
- an addendum to the report had been circulated to Members outlining new concerns and responses from officers;
- the overall parking stress (referred to on page 81 of the report), should read 55/59%. There was an error in the assessment when five restrictive bays should have been identified. This was still below the 85% threshold when issues may arise;
- no objections were received from transport officers;
- a slab level condition would be required;
- a Management Plan for outside communal space would be required; and
- the waste condition would be expanded to include the entire development for houses and flats.

Committee Member and Ward Member Councillor Huntington-Thresher considered the density of the proposal to be significantly out of place with the London Plan as it stood at the time of the appeal. While the parking stress was only at 50%, Charterhouse Road was on a bus route and if the level of parking increased as foreseen, the Council would put yellow lines on the road to allow the buses to pass through. It was acknowledged that the Council was not likely to allow a flatted development with limited parking spaces to apply for Parking Controlled Zones. While the applicant had submitted a Construction Logistics Plan, the recommended condition did not go into any detail on this.

Councillor Huntington-Thresher moved that the application be permitted as recommended and requested the following:-

- condition 3 be expanded to say that no development should commence on site until a Construction and Management Plan had been submitted to and approved by the Local Authority;
- condition 9 should require waste and recycling details for the whole development to be submitted;

- a condition stating that if any future CPZ were to be introduced, the occupiers would not be eligible to apply for permits; and
- a condition requiring 100% electric car charging points be provided.

Councillor Dean noted there were no objections from the agencies consulted. The previous application was dismissed at appeal on a formality only. This application would improve Bromley's housing supply. He seconded the motion to permit the application.

The Development Management Team Leader confirmed that details of the provision of air source heat pumps were contained in condition 15 of the recommendations. She also advised it was not reasonable to add a condition regarding future parking permits.

Committee Members would add an informative regarding CPZ in future.

Councillor Harris considered that the design of this proposal was a great improvement and the development would not detract from the street scene. Her comments were supported by Councillor Boughey and the Chairman.

Having considered the report, objections and representations, Members RESOLVED that PERMISSION BE GRANTED SUBJECT TO THE PRIOR COMPLETION OF A SECTION 106 LEGAL AGREEMENT as recommended and subject to the conditions and informatives set out in the report of the Assistant Director, Planning.

It was FURTHER RESOLVED that:-

- 1) condition 9 include the requirement that waste and recycling details for the whole development to be submitted;**
- 2) a further condition be added requiring a Construction, Management and Environmental Plan to be submitted;**
- 3) a further condition be added requiring 100% electric car charging points to be provided; and**
- 4) an informative be added to state that should a future CPZ be introduced, it was unlikely the Council would allow residents to apply for permits.**

The Development Management Team Leader confirmed that early and late stage reviews would be included as part of the Section 106 Agreement.

8 CONSULTATION ON PLANNING APPLICATIONS

This report outlined the Council's current approach to consultation on planning applications.

The Chairman was concerned that recipients of planning application notices did not read the letters as the envelope was not specifically addressed to them and did not inform them that planning application details were enclosed.

The Assistant Director, Planning had approached the Council Tax department to see if access could be given to the residents' database but the request was denied. He was looking at ways for information to be added to the outside of the envelope informing residents that the letter was from the Council in relation to a planning application.

In regard to people who register objections on-line, Councillor Scoates suggested that officers could send an e-mail back to inform them when an application was due to be considered.

The Assistant Director, Planning acknowledged the difficulties and assured Members that he was exploring ways to improve communications. The issue of multiple letters being sent to one household had been resolved. There may be some improvement when the Council's postal service was brought back in-house. Once the mail had left the Council, officers could not be held responsible for what happened to it.

Councillor Joel suggested that it should be a condition for site owners to provide proof by way of photograph, that a site notice had been received and posted on the application site. Councillor Boughey agreed stating that a site notice should be sent to all applicants to display on site.

Councillor Fawthrop requested that application notices stipulate they are a request for residents' comments; it was not a consultation. The Assistant Director, Planning agreed to revise the wording of the letter.

RESOLVED that the Council's adopted consultation approach be noted.

It was FURTHER RESOLVED that site notices be sent with every letter to all applicants which should be displayed on the application site.

9 PLANNING LEGISLATION UPDATE - SUPPORTING HOUSING DELIVERY AND PUBLIC SERVICE INFRASTRUCTURE

Report HPR2021/002

The Government had recently consulted on new Permitted Development (PD) rights to allow uses within Use Class E to change to residential use; changes to PD rights and the planning application process for hospitals, schools and prisons; and the proposed approach to simplifying and consolidating existing permitted development rights following recent changes to the Use Classes Order (UCO). The consultation ended on 28 January 2021.

The Council's response was prepared by the Head of Planning Policy and Strategy in consultation with the Chairman and Vice-Chairman of the Development Control Committee. This report provided an update on the

consultation proposals and the intended key headlines of the Council's response.

The Chairman reported that as the consultation had only just ended, it was not possible to discuss its contents with Members. The Chairman and Councillor Bear had seen the proposed response which the Council had now lodged with the Government and had made their suggested amendments and comments directly to the Head of Planning Policy and Strategy.

The Head of Planning Policy and Strategy agreed to circulate a copy of the response to Members of the Committee and to the Renewal, Recreation and Housing Portfolio Holder.

Councillor Owen was informed that the definition of 'quality residential development' usually meant compliance with various policies relating to residential development. In response, Councillor Owen emphasised that the Council's representations should say that the Government must stipulate minimum standards as this was absolutely essential.

Councillor Joel was concerned about office development being changed into residential units. The Bromley Local Plan Panel had discussed turning Bromley and Orpington into major town centres. It was therefore crucial for office accommodation and retail use to be provided within town centres rather than just residential use.

Councillor Owen referred to Berwick House in Orpington which was converted from offices to flats and the impact of this which decimated high street trade. This was a significant issue which needed to be addressed. The Chairman confirmed that concerns regarding the provision of too many residential dwellings within town centres has been included in the Council's response.

Councillor Fawthrop asked whether the proposals applied to Conservation Areas and suggested the Government be requested to think again. The Head of Planning Policy and Strategy reported that the consultation suggested the proposals would apply to Conservation Areas and that it was unclear how current Article 4 Directions would be affected. The Council's response to the consultation raised concern about these issues.

Councillor Brooks referred to the impact the proposals would have on youth unemployment which would increase further due to the closure of retail/hospitality and public houses. He also believed that change of use to residential would hinder contributions given to the BIDs by businesses and shops.

Councillor Allen stated that she was unhappy that Development Control Committee members had been unable to comment on the Council's consultation response due to the deadline. Comments could have been invited via e-mail. The Chairman replied that she would seek to avoid this happening again where a deadline was the issue.

Members noted the details of the Government consultation ‘Supporting Housing Delivery and Public Service Infrastructure’ and the discussion of potential impacts as set out in the report, which would form the Council’s consultation response.

10 LONDON PLAN UPDATE

Report HPR2021/003

The report provided an update on the progress of the draft new London Plan, following further correspondence between the Mayor of London and the Secretary of State (SoS) in December 2020 and the publication of an updated draft new London Plan (entitled the ‘Publication London Plan’).

Councillor Owen referred to the lower maximum parking standards and considered they were turning into a ‘one standard fits all’ for the whole of London. Professionals tended to locate in places such as Orpington rather than in Central London. It should therefore be conveyed to the SoS that the Council was not happy with the ‘one size fits all’ standard for the whole of London in the London Plan.

Members noted the report.

11 PROPOSED NON-IMMEDIATE ARTICLE 4 DIRECTION TO REMOVE PART 1, CLASS B AND C PERMITTED DEVELOPMENT RIGHTS IN PETTS WOOD ASRC

Report HPR2021/006

Members considered the making of an Article 4 Direction to remove Part 1, Class B and C Permitted Development (PD) rights in the Petts Wood Area of Special Residential Character (ASRC). The PD rights allowed various alterations to the roof of a dwellinghouse without planning permission.

The Head of Planning Policy and Strategy confirmed that the existing Article 4 Direction which removed PD rights on front roofslopes would only be removed once the new Direction was in place.

Councillor Fawthrop stated that the intention of the Article 4 Direction was so that the garden suburb aspect (views through to the gardens) and the openness and feel of the ASRC (a considerable amount of which will soon become a Conservation Area), was protected. He therefore requested that the Direction also include the residential Conservation Areas to ensure the openness and feel of the area and to maintain a consistent pattern in regard to roof lights. It was expected that this would not apply to Station Square in the same way as it would apply to Chislehurst Road and the Chenies.

Councillor Owen emphasised that the wording in all Article 4 Directions should explain its purpose in a clear and precise manner.

Councillor Joel suggested that sketches of what would be acceptable should be included and made available to applicants/developers etc.

RESOLVED that:-

- 1) **the making of a ‘non-immediate’ Article 4 Direction (covering the Petts Wood ASRC and the residential Conservation Areas shown on the plan) to withdraw Part 1, Class B and C permitted development rights granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the GPDO”), Schedule 2 be endorsed;**
- 2) **pending agreement to ‘make’ the Article 4 Direction, the Portfolio Holder for Renewal, Recreation and Housing would be requested to authorise the making of a non-immediate Direction which would come into force 12 months from the day on which it was made, if the Direction was subsequently confirmed following public representations as required by the GPDO (where practicable); and**
- 3) **any such decision to confirm a non-immediate Direction would be accompanied by a concurrent decision to cancel the existing Article 4 Direction which related solely to the removal of Part 1, Class B and C permitted development rights on front roofslopes.**

It was FURTHER RESOLVED that:-

- 4) **the existing Article 4 Direction which removed PD rights on front roofslopes, remain in force until it is replaced by the new Direction.**
- 12 CONFIRMATION OF NON-IMMEDIATE ARTICLE 4 DIRECTIONS TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR OFFICE TO RESIDENTIAL CONVERSIONS IN BROMLEY’S OFFICE CLUSTERS**

Report HPR2021/004

Members were requested to consider confirmation of three non-immediate Article 4 Directions to withdraw the permitted development right for change of use from office to residential. The Directions would apply to the three Office Clusters as shown in the Bromley Local Plan (January 2019 – Crayfield Business Park (Cray Valley West), Knoll Rise (Orpington) and Masons Hill (Bromley Town). If confirmed, the Directions would come into force on 10 July 2021, in order to remove potential liability to pay compensation.

Councillor Huntington-Thresher had supported the proposal for an Article 4 Direction and was pleased to see it come to fruition.

RESOLVED that:-

- 1) **the confirmation of three ‘non-immediate’ Article 4 Directions be recommended, to withdraw the permitted development right**

granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2 Part 3 Class O, which permits uses falling within Class B1(a) (office) to change use to Class C3 (dwellinghouse);

- 2) the matter be referred to the Renewal, Recreation and Housing Policy Development and Scrutiny Committee for pre-decision scrutiny; and**
 - 3) Members note that the Portfolio Holder for Renewal, Recreation and Housing would be asked to authorise the confirmation of the three non-immediate Directions, which would come into force on 10 July 2021 (12 months from the day on which they were made).**
- 13 PROPOSED NON-IMMEDIATE ARTICLE 4 DIRECTION TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR UPWARDS EXTENSIONS IN AN AREA WITHIN THE RAVENSBOURNE VALLEY LOCAL VIEW**

Report HPR2021/005

At the Renewal, Recreation and Housing Policy Development and Scrutiny Committee meeting on 16 December 2020, Members requested consideration be given to the making of a non-immediate Article 4 Direction to withdraw permitted development (PD) rights which allowed blocks of flats to extend upwards by up to two storeys to provide new residential units. The Direction would cover a discrete area which fell within the local view of the eastern skyline of the Ravensbourne Valley.

This report examined whether there was justification for the Direction and set out the approach for making the Direction if Members agreed.

Visiting Ward Member Councillor Will Harmer reported that he and the other Ward Members fully supported the making of an Article 4 Direction. There was a great history to this specific area and removal of the PDRs would provide further protection. Expansion outside of the Town Centre was not appropriate and Councillor Harmer urged Members to endorse the making of an Article 4 Direction.

The Chairman agreed with Councillor Harmer. Townsend Court already intruded on the skyline and a further two buildings were beginning to do the same. This would become more noticeable if further storeys were added to the buildings.

RESOLVED that:-

- 1) the report be noted;**
- 2) the making of a 'non-immediate' Article 4 Direction (covering the area shown in Appendix 1 of the report) 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 be endorsed:-

- **Part 20, Class A**
 - **Part 20, Class AA**
 - **Part 20, Class AD**
- 3) it be noted that, pending agreement to ‘make’ the Article 4 Direction, that the Portfolio Holder for Renewal, Recreation and Housing would be asked to authorise the making of a non-immediate Direction, which would come into force 12 months from the day on which it was made, if the Direction was subsequently confirmed following public representations.**

The meeting ended at 8.20 pm

Chairman