

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 6.30 pm on 25 March 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:

Councillors Will Harmer, Colin Smith and Angela Wilkins

14 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

There were no apologies for absence.

15 DECLARATIONS OF INTEREST

No declarations of interest were received.

16 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

17 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 28 JANUARY 2021

RESOLVED that the Minutes of the meeting held on 28 January 2021 be confirmed and signed as a correct record.

18 MATTERS OUTSTANDING FROM PREVIOUS MINUTES

The Head of Planning Policy and Strategy confirmed to Councillor Stevens that a report on HMOs would be submitted to a future meeting of the DCC.

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

19 PLANNING APPLICATION (20/00325/OUT) - CRYSTAL PALACE PARK, THICKET ROAD, PENGE, LONDON SE20 8DT (CRYSTAL PALACE WARD)

Description of application - Outline application with all matters reserved except highways access for comprehensive phased regeneration of Crystal Palace Park. This will include: conservation and repair of heritage assets; removal of existing hard surfaces; alterations to ground levels and tree removal; landscaping including planting of new trees; demolition of existing buildings and structures; creation of new pedestrian paths/vehicular access roads / car, coach and cycle parking; changes of use including part of the caravan site to part public open space and part residential; erection of new buildings and structures comprising: up to 2300sqm for a cultural venue (Use Class D2), up to 530sqm of park maintenance facilities (Sui Generis) including the dismantling and reconstruction of existing maintenance depot; up to 150sqm information centre (Use Class D1); up to 670sqm for a community centre (Use Class D1); up to 3779sqm of educational institution at the Capel Manor College Farm Site (Use Class D1) of which 3399sqm comprises educational buildings and 380sqm comprises ancillary shelters/ outbuildings; and up to 16,352 sqm of residential (Use Class C3) accommodation to provide up to 210 residential dwellings, together with associated and ancillary works including utilities and surface water drainage, plant and equipment. Full planning permission is sought for alteration to highways access at Anerley Hill Gate entrance, Penge Gate car park, Old Cople Lane (Rockhills Gate), Sydenham Gate car park and the creation of three additional accesses for the residential development at Rockhills and Sydenham Villas.

Oral representations in objection to the application were received.

Oral representations in support of the application were received from the Interim Assistant Director of Culture and Regeneration who gave the following responses to Member questions:-

- It was anticipated that £14,275,000 would be funded by various grants and a further £1,500,000 through crowd-funding and Council contributions. The balance of £24,225,000 would need to be generated through enabling the residential element of the proposal.
- Without the £24,225,000, it would be almost impossible to deliver anything at all.

Oral representations from visiting Ward Member Councillor Angela Wilkins in support of the application were received at the meeting. Councillor Wilkins stated that Crystal Palace Park was a unique place which had suffered over the years from a lack of investment. The Council had invested over £1m to set up the Crystal Palace Park Trust and a huge amount of time and energy had been given to establishing the Regeneration Plan. This application was part of a long-running strategy to secure the future of the park. The Capel Manor College Farm Site application had changed considerably and as a result, no

MOL would be lost. While Councillor Wilkins was concerned in regard to the lack of affordable housing, she was convinced that the supply issue was being addressed elsewhere in the borough. If the application were to be refused, the Council would be turning its back on its heritage assets and the site would deteriorate even further.

The Principal Planner, Major Developments reported that this was an outline application and details of each aspect could be considered at a future date. Very Special Circumstances for building on MOL had been established as there were significant benefits in terms of heritage and conservation. Nine trees were to be removed from the Capel Manor College development at the Farm site. An e-mail circulated to Members from the Crystal Palace Park Trust requested that occupants of the proposed housing schemes be subject to an easement requiring the defined level of noise over and above what was normally acceptable to be increased before it was classed as a statutory nuisance. The Principal Planner stated that the request had been considered but did not believe it would meet the six tests in the National Planning Policy Framework (NPPF) to be applied as a planning condition. There were other measures to control and protect residential amenities from noise, such as good acoustic design which would be required and conditioned. Other Heads of Terms which the Trust recommended were covered in the report. An archaeology condition had been added.

Councillor Brooks acknowledged that the £24m to be accrued from the residential element of the proposal was vital to ensure regeneration of the park and moved that permission be granted. Councillor Fawthrop seconded the motion and requested that an informative be added to ensure particular attention was paid to listed buildings when detailed applications were submitted including the Capel Manor application. The Chairman agreed to add the informative but pointed out that informatives were not legally binding.

Councillor Allen stated that the outline application was entirely appropriate and the benefits of the residential aspect outweighed the harm to the MOL. Further work was necessary to mitigate design.

The Chairman informed Members that if they were minded to approve the outline application, they could not object in principle to the individual applications at a later date. They could only discuss the reserved matters at the detailed application stage, such as design.

Members thanked the officers involved for all their hard work and effort to bring the project to fruition.

Members having considered the report, objections and representations, RESOLVED that PERMISSION BE GRANTED SUBJECT TO THE PRIOR COMPLETION OF A SECTION 106 LEGAL AGREEMENT AND ANY DIRECTION BY THE MAYOR OF LONDON AND THE SECRETARY OF STATE as recommended and subject to the conditions set out in the report of the Assistant Director, Planning with the addition of an archaeology condition and informative as stated above together with any other conditions considered

necessary by the Assistant Director, Planning and/or the Director of Corporate Services.

20 PLANNING APPLICATION (19/03208/OUT) - BROMLEY SKI CENTRE, SANDY LANE, ST PAUL'S CRAY (CRAY VALLEY EAST WARD)

Description of application – Outline planning permission for the redevelopment of the existing disused ski centre to construct 80 residential units with associated access, landscaping and parking.

Committee Vice Chairman and Ward Member Councillor Bear acknowledged that while there was support for the proposed new housing, there were concerns about the impact the development would have on Green Belt land and nearby Sandy Lane. Green Belt land should be preserved and for this reason Councillor Bear moved that the application be refused. The motion was seconded by Councillor Fawthrop.

Members having considered the report and objections, RESOLVED that PERMISSION BE REFUSED as recommended, for the reasons set out in the report of the Assistant Director, Planning.

21 PLANNING APPLICATION (19/04588/FULL1) - 70 HIGH STREET, BROMLEY BR1 1EG (BROMLEY TOWN WARD)

Description of application – Demolition of existing buildings (No.66 to 70 High Street), construction of 12 storeys to provide 256.4 square metres retail floorspace on the ground floor and 47 residential units above with associated disabled car parking spaces, cycle parking and refuse storage area.

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

- as set out in the financial viability report, 21% affordable housing was the maximum that could be provided at this point in time;
- the footprint of the site was too small to accommodate more than three active electric car charging points;
- in regard to addressing the harm to the Conservation Area and surrounding area, the proposed building had been significantly reduced to respect the high street scale and frontage;
- If the application were to be refused, it was likely the applicant would appeal;
- the retail provision was reduced due to the COVID-19 pandemic;

- provision of child play space had been reduced due to the reduction in size of the development. The proposed private amenity space met with current guidelines;
- while the design and character of the development was not typical of Bromley High Street, the traditional element had been retained at the front of the building;
- design changes relating to the colour and type of materials used could be conditioned.

Oral representations from visiting Ward Member Councillor Will Harmer in objection to the application were received at the meeting. Councillor Harmer considered the proposal to be a speculative piecemeal application which did not comply with any form of plan and breached Council planning policy. The Local Plan clearly stated that any development on the site should be accompanied by a Masterplan. The adjacent site was designated for a tall building, not this site. On the grounds of over-dominance, scale and massing, Councillor Harmer urged Members to refuse the application.

The Development Management Team Leader – Major Developments reported that a further 45 objections to the application had been received and circulated to Members, together with one letter in support.

On the grounds of over-dominance of the street scene and surrounding area, insufficient affordable housing, scale and massing, impact on the view of the area, detrimental to the conservation area and lack of amenity child play space, Councillor Fawthrop moved that the application be refused. The motion was seconded by Councillor Page.

Councillor Huntington-Thresher referred to the Council's requirement to demonstrate a 5 year housing land supply. While there were aspects of the proposal he was not satisfied with, he considered that given the site was earmarked in the Area Action Plan for development, Members had no option but to approve the application.

Councillor Allen was concerned that should the application be refused, it was likely to be granted on appeal. Stating the need to consider the provision of tall buildings to meet housing supply, Councillor Dean also believed the Planning Inspector would grant permission. While the proposal would detract from the character and outlook of the area, Members should bear in mind that this was likely to happen anyway at some point in the future.

Councillor Brooks moved that the application be granted permission.

Councillor Stevens moved that the application be deferred to seek an improved design proposal. This motion was seconded by Councillor Boughey.

The Development Management Team Leader – Major Developments reported that the provision of child play space amenity met with planning policy and

that the affordable housing element had been viability assessed. Members agreed not to include these as grounds of refusal before the vote was taken. Details were also submitted which showed that development did not preclude the development of the adjacent sites.

Members having considered the report, objections and representations, RESOLVED that PERMISSION BE REFUSED on the following grounds:-

- 1) the application did not follow/was not accompanied by a Masterplan;**
- 2) the adjacent site was allocated for a tall building but not the application site;**
- 3) the scheme was over-dominant in scale, bulk and massing;**
- 4) poor design and use of materials; and**
- 5) the development was detrimental to the Conservation Area and surrounding area.**

22 BROMLEY BOROUGH COMMUNITY INFRASTRUCTURE LEVY (CIL) – APPROVAL OF CIL CHARGING SCHEDULE

Report HPR2021/011

Members were requested to endorse the approval of the Bromley Community Infrastructure Charging Schedule. The levy would be charged on planning applications approved from 15 June 2021 (the date of effect). Once approved, the Community Infrastructure Levy would provide financial contributions from certain types of development to help fund new or improved strategic infrastructure required to support the growth identified in the Bromley Local Plan.

The Head of Planning Policy and Strategy confirmed that a report in regard to CIL collection broken down by Ward would be submitted for consideration by Members on an annual basis. How the income from CIL could be spent was currently being explored.

RESOLVED that:-

- 1) the approval of the Bromley Community Infrastructure Charging Schedule (with any necessary changes to indexation rates) be endorsed;**
- 2) the matter be referred to the Renewal, Recreation and Housing Policy Development and Scrutiny Committee for pre-decision scrutiny;**

- 3) that the Executive recommend to Full Council that the Bromley Community Infrastructure Levy Charging Schedule (with any necessary changes to indexation rates) be approved to come into effect eight weeks from the date of approval (15 June 2021); and**
- 4) Full Council be recommended to approve the Bromley Community Infrastructure Levy Charging Schedule (with any necessary changes to indexation rates) to come into effect on 15 June 2021.**

23 ADOPTION OF THE KENT DOWNS AREA OF OUTSTANDING NATURAL BEAUTY MANAGEMENT PLAN

Report HPR2021/014

The Countryside and Rights of Way (CROW) Act 2000 requires local authorities to produce, adopt and keep under review Management Plans for Areas of Outstanding Natural Beauty (AONBs). Members were requested to endorse the adoption of the latest updated version of the Kent Downs AONB Management Plan, noting that there may be minor amendments such as design and formatting changes prior to publication.

Councillor Scoates referred to a spot of land between Cudham Lane South and Buckhurst Road leading up to Cudham Valley which was a spectacular sight with views of the North Downs. He asked if there was a way for this area to be included in the AONB Management Plan. The Head of Planning Policy and Strategy stated that the AONB was a national designation and was unsure of the scope for the Council to propose amendments. He agreed to look into this matter and report back to Members.

RESOLVED that:-

- 1) the adoption of the updated version of the Kent Downs AONB Management Plan be endorsed, noting that there may be minor amendments such as design and formatting changes prior to publication;**
- 2) the Executive be recommended to adopt the updated version of the Kent Downs AONB Management Plan, noting that there may be minor amendments such as design and formatting changes prior to publication; and**
- 3) reasonable changes made by other local authorities during the adoption process, subsequent to any decision to adopt the updated Management Plan by Bromley being made, can be accepted by the Director of Housing, Planning and Regeneration in consultation with the Portfolio Holder for Renewal, Recreation and Housing.**

24 LONDON PLAN ADOPTION

Report HPR2021/012

Members considered an update on the newly adopted London Plan which formed part of the Bromley Development Plan and would be used to determine planning applications. The report provided details on the policies in the new plan and where relevant, discussed the implications for the Bromley Local Plan.

The Head of Planning Policy and Strategy clarified that the first sentence of paragraph 3.13 which stated that Policy SD1 identified Bromley Town Centre as an Opportunity Area (OA) within the Bakerloo Line Extension growth corridor related more to a presentational issue within the London Plan as Bromley was banded in the wider section of the area; there was no suggestion that the Bakerloo Line Extension would reach Bromley.

In response to a question from Councillor Allen, the Head of Planning Policy and Strategy confirmed that in relation to paragraph 3.21, Policy D3 replaced the previous density matrix with a 'design-led approach' that optimised the capacity of sites, meaning that there was no longer a quantitative metric to assess site capacity. It was difficult to say whether this Policy would lead to more planning application refusals.

In relation to paragraph 3.76 which stated that Policy SI2 required all major development to be net zero carbon, Councillor Allen asked if this included building materials and where they were sourced. The Head of Planning Policy and Strategy explained that carbon reduction calculations would probably not include how materials were sourced. However, for larger referable schemes, the London Plan endorsed the whole life-cycle approach to carbon reduction including unregulated emissions.

Following comments from Councillor Owen, the Head of Planning Policy and Strategy reported that boroughs were encouraged to set their own policies in regard to basement development. There would be scope through a local planning review to give some definition of what type of basement the Council would want the policy to apply to.

In regard to flood risk (para. 3.29), where telecommunications infrastructure was being proposed, if there were issues with flooding or risks to public health, these could be factored into applications.

Councillor Fawthrop suggested that the Local Plan needed to be updated to incorporate the London Plan and to reflect whatever had been affected by the London Plan. He asked what preparations had already been done in anticipation of this. The Head of Planning Policy and Strategy reported that discussions on updating the Local Plan had been undertaken but as yet there was no timeframe for this to be completed.

Councillor Stevens stated that the issue of converting properties into HMOs was a matter which needed to be addressed as soon as possible as this did not lead to a satisfactory mix of general housing stock.

RESOLVED that the report be noted.

25 NATIONAL PLANNING POLICY FRAMEWORK AND NATIONAL MODEL DESIGN CODE: CONSULTATION PROPOSALS

Report HPR2021/013

The Committee considered an update on the Government's consultation proposals to amend the National Planning Policy Framework (NPPF), including proposed changes relating to justifying Article 4 Directions. The report also provided an update on the National Model Design Code which the Government were also seeking views on. The draft proposed responses to the consultation questions were set out in Appendix 1.

RESOLVED that the report be noted and the response to the consultation proposals be endorsed.

26 PLANNING SERVICE IMPROVEMENTS

Members considered the current position in respect of continuous service improvement to the Planning Service.

Councillor Joel suggested that Ward Councillors should be notified and invited to attend pre-application meetings where an application in their Ward had been submitted.

In relation to site visit procedures (Item 15 on the table – page 530), Councillor Harris requested the wording be made more robust to encourage Members to undertake visits.

It was noted that when Committee meetings returned to normal, screens would be used to show plans and drawings.

Members noted the updates in the report.

27 COUNCILLOR PLANNING APPLICATION 'CALL-INS'

Members considered the most recent data relating to Councillor 'call-ins' for planning applications which were regularly reported to the Committee for information purposes.

The heading of the fourth column of the table set out on page 535 of the report was amended to read 'Number of call-ins July-Dec 2020'.

Councillor Fawthrop explained that when Members called-in an application, it was because of public interest or the application was finely balanced in terms

of policy. This was evident from the report where the table on page 536 showed that the number of recommendations overturned and allowed on appeal was 50/50.

The Assistant Director, Planning acknowledged receipt of Councillor Fawthrop's suggested wording in relation to ensuring that applications were not pre-determined by Members. He also confirmed to Councillor Bear that future reports would contain a figure showing call-ins as a percentage of all applications by Ward.

Members noted the report.

28 PLANNING ENFORCEMENT ACTIVITY UPDATE

Report ES 20065

This report advised Members on the enforcement activity under delegated powers undertaken by Planning Enforcement, Neighbourhood Management between 1 April 2019 and 31 March 2020.

The Development Control Manager gave an update on the report which was previously considered at the Public Protection and Safety, Policy Development and Scrutiny Committee in January 2021. Between 1 April 2019 and 31 March 2020, 1,061 cases had been closed whereas back in January 428 cases had been closed up to that point in time. The oldest case dated back to 2015 and of two of the cases in 2015, one was still at the appeal stage. In the second case, the Council was still negotiating with the elderly owner to try to resolve the matter without taking formal legal action against him. The total number of cases currently outstanding was 754 – an increase of 250. This was due in part to the COVID-19 pandemic. Several officers had retired. One vacancy had been filled as a 12-month contract and there were two temporary officers funded by the earmarked reserve previously given to the team together with funds acquired from a proceeds of crime payment.

Councillor Owen referred to the fact that developers were increasingly building without planning permission and when they did get permission they did not build according to the plan. The Development Control Manager reported that enforcement was a discretionary power and if it was expedient to take action, the legal department would be consulted and action taken. Enforcement was taken very seriously and the Council was successful 90% of the time.

In response to a question from Councillor Brooks, the Development Control Manager reported the Enforcement Team did not have enough resources to ensure that conditions were being complied with, so there was a great deal of reliance on neighbours bringing this to officers' attention. The Team were currently serving more Planning Contravention Notices which were legally binding documents.

In cases of retrospective applications being overturned at appeal, every developer and home owner was entitled to submit applications. Officers attempted to issue enforcement notices before the appeal so they could both be heard together, thereby reducing the amount of time taken.

Councillor Allen requested that a full list of enforcement action cases be sent to Members at regular intervals. Councillor Allen also pointed out that there was a clear case for funding to be made available to establish more full-time posts within the Team.

In regard to HMOs, the Development Control Manager informed Members that a Certificate of Lawfulness was not required. A report on HMOs would be submitted to the DCC meeting in May 2021.

Members noted the report.

The meeting ended at 9.07 pm

Chairman