

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 6.30 pm on 20 October 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,
William Huntington-Thresher, Charles Joel, Russell Mellor,
Tony Owen, Angela Page, Richard Scoates, Melanie Stevens and
Michael Turner

Also Present:

Councillors David Cartwright QFSM, Will Rowlands and Suraj Sharma

42 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for lateness was received from Councillor Russell Mellor.

43 DECLARATIONS OF INTEREST

Visiting Member Councillor Will Rowlands declared a non-pecuniary interest in Item 3 as he was related to Mr Ted Rowlands, Chairman of The Porcupine Development Group. Councillor Rowlands was permitted to remain in the meeting to speak as a Visiting Ward Member on The Porcupine application.

Councillor Christine Harris declared a non-pecuniary interest in Item 4 as she had been Chairman of the Langley Park Residents' Association for the past 15 years. Councillor Harris was permitted to remain in the meeting to speak and vote on item 4.

44 PLANNING APPLICATION (19/01670/FULL1) - THE PORCUPINE, 24 MOTTINGHAM ROAD, MOTTINGHAM, LONDON SE9 4QW (Mottingham and Chislehurst North Ward)

Description of application - Full planning permission for the demolition of the existing public house and erection of an A1 retail food store, with associated car parking, reconfigured site access, landscaping, servicing and other associated works.

Oral representations from the applicant included reference to carbon emissions, highways issues, road safety, the realignment of pavements and marketing of the site.

The applicant and his colleagues from SCP and Walsingham Planning gave the following responses to Member questions:-

- On average, two deliveries per day would be made using 16½ tonne vehicles. The use of smaller vehicles would result in more deliveries being made. A permit would be required during restricted hours.
- Hours of operation were 8am – 9pm (Monday-Saturday) and 10am – 4 pm (Sunday).
- The site had been marketed since 2013 and had been constantly marketed from the time the application had been drawn up.
- The kitchen was removed by the previous occupiers when they vacated the site.
- The lighting column on the north side would be relocated north towards the crossing point and positioned 2.8m from the nearest residential property and less than 30m from the next column.
- The northern side of the pavement would be widened to 3.3m.
- In accordance with the London Plan, 14 electric car charging spaces would be provided consisting of 7 active and 7 passive. If required, a rapid charger could be provided alongside the proposed fast chargers.
- In regard to solar power, a wide variety of measures had been included in the design.
- A 40% reduction in emissions re. transport had already been achieved and the applicant was aiming to reduce this by a further 20%.
- The applicant was willing to discuss the signing of a Legal Agreement not to vary the hours of delivery for a reasonable number of years).
- A total of 40 people would be employed, some part-time and some full-time, working staggered shifts during trading hours.

Oral representations in objection to the application were received from visiting Ward Member Councillor David Cartwright who reported the following:-

- Road safety issues posed an unacceptable risk to the public and local community.
- Ward Member views were based on personal knowledge of the area, gained over many years.
- Not replacing the existing streetlamp at the pedestrian crossing (as stated in para. 2 on page 14 of the report), would result in a lower level of safety.
- The accident statistics reported at para. 9.67, page 45 were disputed. On average, there were at least 12 road accidents per year.
- Paras. 69-71 (page 46), referred to sightlines. The site was located alongside a very busy road where pavement widths were the minimal 2m measurement and Greenwich Council had objected strongly on this issue.
- There were also environmental issues including inadequate social distancing measures.
- Traffic levels were 30% less at the moment due to Covid-19 restrictions.
- The Council was under pressure to provide new homes and this site would be ideal for such provision.
- Some smaller local shops would close and move away if the application was permitted.

- Safety of the local community was paramount. Several paragraphs in the officers' comments contained the words 'on balance' which meant there was room for doubt.

Councillor Cartwright urged Members to give due weight to road safety and refuse the application.

Oral representations in objection to the application were received from visiting Ward Member Councillor Will Rowlands who raised the following points:-

- The scheme provided little in the way of road safety; it was careless and dangerous.
- A Remembrance Sunday service took place every year at the War Memorial which would cause further issues if the application were to be permitted.
- Video footage of traffic flow was taken the previous week just before rush hour. While it was not as severe due to Covid-19 restrictions, it was nevertheless excessive. Granting this application would increase the burden of traffic. (The footage was shown to Members following Councillor Rowlands' representations).
- Realigning the road would only result in moving issues from one place to another.
- Road safety had not been adequately addressed.
- No housing was proposed which would have benefitted the community more.
- Mottingham Ward Members from Greenwich Council and Bob Neill MP strongly objected to the application.

The Assistant Director, Planning, informed Members that several late objections, including letters from Bob Neill MP and adjoining Greenwich Borough Ward Councillors, had been received. A late response on highway issues had also been received from the applicant, including footpath images and a plan showing how the relocated lamp column could be accommodated and HGV movements. These had all been circulated to the Committee.

A letter was sent from local residents to the Mayor of London requesting intervention and the applicant had also now written to the Mayor requesting that he did not intervene. No communication was received from the Mayor of London and there was no formal referral to the Mayor for this application.

This application was withdrawn from the Committee agenda in May to enable consideration of recently published COVID-19 Highways Guidance and to allow the Council to appoint an external consultant to carry out a review of the submitted transport information and new traffic and parking surveys.

This work had been done and the overall conclusion was that the transport information submitted with the application remained appropriate and the conclusion acceptable.

The Highway Authority and the Council's Highway consultant had also both concluded that the proposal was acceptable with regard to the recent COVID-19 highways guidance.

Overall the Highway Authority and the Council's independent consultant raised no objections to the proposal and considered it did not result in any safety concerns. While the Assistant Director fully appreciated the level of local concern, there were no planning reasons to justify a change in the Officer recommendation for this application from the last published report and the recommendation remained for permission.

Councillor Mellor considered the application raised major transport issues including the lack of an egress point for traffic. The site was not set back from the highway which would cause problems in regard to traffic flow and public safety. He moved that the application be refused. Councillor Harris seconded the motion. She considered that the provision of housing would be more suitable for the site and that the site had been inadequately marketed.

Councillor Huntington-Thresher requested that should the application be permitted, an informative be added stating that Lidl should make allowances to facilitate the annual Remembrance Sunday services held at the War Memorial.

While Councillor Fawthrop respected that progress had been achieved with the application, he considered the scheme to be over-intensive and in breach of Policies 31 and 32 of Bromley's Local Plan. He considered that a small shop, together with the provision of housing, would have been a more acceptable scheme.

Councillor Stevens moved that the application be deferred due to various elements of the scheme which remained unclear.

Councillor Brock raised concerns in regard to the exit point for vehicles. The Assistant Director, Planning reported that alternative options had been carefully examined and the best option was the one currently included in the application.

Prior to the vote being taken, the Chairman clarified with Members the grounds on which the motions for refusal were being made.

Having considered the report, objections and representations, Members **RESOLVED that the application be REFUSED on the following grounds:-**

- 1) over-intensification of the scheme which conflicted with Policies 30 and 31 of the Bromley Local Plan; and**
- 2) the scheme would be detrimental to traffic and road safety.**

45 PLANNING APPLICATION (19/01543/RECON) - LAND AT JUNCTION WITH SOUTH EDEN PARK ROAD AND BUCKNALL WAY, BECKENHAM (Kelsey and Eden Park Ward)

Description of application - Application under Section 73 of the Town and Country Planning Act 1990 to remove condition 3 (scheme to be submitted for the provision of affordable housing) of permission ref. 19/01543/FULL1 for residential development comprising erection of 6 x four storey buildings consisting of 10 four bedroom houses and 133 x one, two and three bedroom apartments together with concierges office. Construction of basement car park with 204 spaces. Central landscaped area with 10 visitor spaces cycle parking for 286 and refuse stores.

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

- The assessment of financial viability was a complex process and the Council's officers had confirmed in the report that the development was currently unviable.
- A late stage viability review may still result in no payment to the Council. As a solution, the applicant was willing to make an immediate payment of £345k to the Council in lieu of the provision of affordable housing.
- This offer had come about due to a lower Mayoral CIL figure being required than was initially anticipated, which had resulted in the release of some additional funds.

In response to Member questions, the agent reported that:-

- The payment of £345k was being made to avoid the uncertainty that would result from a late stage review and uncertainty was something that funding institutions were wary of.
- Monies received from the Funding Institute would enable construction to take place.
- While the scheme was making a profit, it was at a significantly reduced level and one which proved unviable for the provision of affordable housing.
- If permitted, the developer was ready to begin work in the New Year which would take approximately 24-30 months to complete.
- No details of professional fees were currently to hand but these were the industry norms which included lawyers, estate agents, consultants' fees, etc. as set by the Royal Institute of Chartered Surveyors and agreed as part of the viability guidance.
- In regard to a late stage review, advice had been sought from David Elvin QC who suggested that it might not be possible to produce a satisfactory and lawful review mechanism in relation to affordable housing. The Draft London Plan policy could not be imposed as it conflicted with the current London Plan and there was no policy or legal basis for it to be required at the moment.

The Principal Planner confirmed the scheme was currently unviable and reported that the development would generate a deficit of £1,117,953 as shown in Table 1 on pages 342-343.

Furthermore, there had been no discussion during the application process as to how the figure of £345k in lieu of affordable housing had been arrived at (as set out in paragraph 6.64 of the report). The scheme was still unviable even when taking into account the Mayoral CIL figure which both parties had agreed on and as shown in Table 1.

Councillor Dean moved that Condition 3 be removed without the need for a late review as it was likely the Planning Inspector would find in favour of the applicant at appeal, leaving the Council liable to pay compensation. The scheme would deliver much-needed housing and the offer of £345k from the applicant was better than nothing. Councillor Harris seconded the motion, stating that the development would be ideal for the local older generation who wished to downsize and remain in the area.

Councillor Fawthrop moved that the application be approved as recommended, stating that the Draft London Plan must carry more weight now than it did in 2018. While the non-viability status was currently accepted, a late review should be undertaken when 75% of the development had been built. The Chairman seconded the motion.

Councillors Allen and Brooks supported the motion. Affordable housing was needed and there was every chance that a late review could have a positive outcome.

Councillor Bear considered the £345k offered by the applicant would build nowhere near the 40+ affordable housing originally proposed in the application.

Having considered the report, objections and representations, Members **RESOLVED that APPROVAL BE GRANTED as recommended**, subject to the conditions set out in the report of the Assistant Director, Planning to include the undertaking of a late stage review.

The meeting ended at 8.22 pm

Chairman