

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 7 June 2022

Present:

Councillor Alexa Michael (Chairman)
Councillor Keith Onslow (Vice-Chairman)

Councillors Jonathan Andrews, Mark Brock, Peter Dean,
Simon Fawthrop, Christine Harris, Alisa Igoe, Charles Joel,
Kevin Kennedy-Brooks, Josh King, Tony McPartlan, Tony Owen,
Chloe-Jane Ross, Shaun Slator, Alison Stammers and
Melanie Stevens

Also Present:

Councillor Julie Ireland

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

There were no apologies for absence.

2 DECLARATIONS OF INTEREST

There were no additional declarations of interest.

3 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Seven questions were received from members of the public and are attached at Appendix A.

4 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 19 APRIL 2022 AND 18 MAY 2022

RESOLVED: That the minutes of the meetings held on 19 April and 18 May 2022 be agreed and signed as a correct record.

5 (20/00325/OUT) - CRYSTAL PALACE PARK, THICKET ROAD, PENGE, LONDON, SE20 8DT

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.

The Committee was addressed by the Head of Regeneration who advised that the phased approach to the development had been designed to mitigate the financial risk posed to the Local Authority in forward funding the heritage works by up to £2.5M to be reimbursed from the land sale proceeds. This approach would also ensure that works would be completed on the most at-risk heritage structures before work on the residential development commenced. Historic England had secured the necessary specialist support to undertake the heritage works and additional funding for these works would be sought from other sources including grant applications which would emphasise the amenity value of Crystal Palace Park to both Bromley and its neighbouring boroughs. Set timescales for the completion of the various phases of the work had not been agreed although the overall scheme had an end date of ten years which gave a degree of certainty.

The Planning Officer then gave a brief presentation, providing an overview of the application and proposed addendum in the report.

Oral representations in support of the application were received from the Head of Regeneration who gave the following responses to Members' questions:-

- The proposed Heads of Terms for the shadow S106 legal agreement specified the provision of 24 on-site units of affordable housing within the residential scheme. The Local Authority was required by statute to maximise the income from the land sale, and should there be a financial surplus, consideration could be given to delivering additional affordable housing units on-site or, via a payment in lieu, in other parts of the Borough. Any surplus funds could also be put towards the Crystal Palace Park regeneration works.
- The Council's Executive would be asked to confirm the arrangements

for ringfencing the proceeds of the sale for heritage works. Should sufficient progress not be made within a given period, a commitment would be made to pay funds to the Crystal Palace Park Trust for heritage works from the Local Authority's general fund. This payment would be set at the treasury management rate earned from any money from the land sale that was not discharged.

- As this was a major planning application, the residential scheme would require approval from the Greater London Authority.

A Member underlined the need for regular progress updates on delivering the scheme to be reported to the Renewal, Recreation and Housing PDS Committee and this was supported by the Committee. A high-level draft project timescale/plan had been developed and would be circulated to Members following the meeting.

Members having considered the report, objections and representations, RESOLVED that PERMISSION BE GRANTED SUBJECT TO:

- **Confirmation by the Council's Executive that the Council shall either itself comply with the terms of a shadow Section 106 to be finalised pursuant to the application, or that the Council will ensure that any purchaser or lessee of any part of the park will enter into a Section 106 agreement with the Council, incorporating the obligations from the shadow Section 106 agreement that are relevant to the part of the site;**
- **Any direction by the Mayor of London and the Secretary of State; and,**
- **The conditions attached at Appendix A or as varied by the Assistant Director (Planning and Building Control).**

**6 ADOPTION OF THE PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT
Report HPR2022/024**

The Committee considered a report recommending the adoption of the revised Planning Obligations Supplementary Planning Document (SPD) which provided a framework setting out the types of obligations that could be secured on a wide range of planning applications. It was necessary to agree a revised SPD following the adoption of the Bromley Community Infrastructure Levy (CIL) and changes to national, regional and local planning policy since the agreement of the current SPD in 2010.

The Head of Planning Policy and Strategy presented the report and gave the following responses to Members' questions:-

- The SPD was not part of the Bromley Local Plan but provided guidance on relevant local planning policies.

- Within the Air Quality section, a reference to the use of off-site measures to improve local air quality where they could not be further reduced by on-site measures (12.22) was based on a similar provision within the London Plan.
- Within the Off-site Provision and Payments in Lieu section, a reference to exceptional circumstances under which the Council could consider that off-site affordable housing provision or payment in lieu would be acceptable (5.17) could include a particular design reason why affordable housing could not be provided on-site, such as a small site footprint. Any such provision was unlikely to affect community health and education facilities which were normally funded via a Community Infrastructure Levy.

In discussion, a Member observed that the production of an SPD was optional and underlined the need to clarify the advantages in agreeing an SPD. The Member highlighted that only nine individual responses had been received during the public consultation period and raised further concerns with regard to the document, particularly the definition of Orpington which did not reflect the transformation of its shopping and leisure offer in recent years.

Another Member supported these points and raised key areas not included in the SPD, including conservation and energy efficiency measures and no reference to home working. The Member proposed that the Executive be recommended to defer adoption of the revised Planning Obligations Supplementary Planning Document, subject to further work being undertaken with Members to address inconsistencies and omissions with a view to reconsidering a revised SPD at the meeting of Development Control Committee on 20 September 2022.

Another Member proposed the SPD be approved at this time and be subject to continual review as a 'living' document, but this was not supported by the Committee.

RESOLVED: That the Executive be recommended to defer adoption of the revised Planning Obligations Supplementary Planning Document, subject to further work being undertaken.

7 PLANNING TREES TEAM UPDATE **Report HPR2022/027A**

The Committee considered a report providing an update on the Trees Team, including highlighting resourcing issues and potential compensation costs of contesting tree costs.

The Principal Tree Officer presented the report and gave the following responses to Members' questions:-

- The Trees Team considered requests for Tree Preservation Orders

(TPOs) on trees on private land in the Borough. The number of TPOs made had increased year-on-year over the past five years with 15 TPOs made in 2018 compared to 13 so far in the 2022 calendar year. There were a total of 2785 TPOs in place across the Borough.

- Prosecutions in relation to TPOs had also increased in recent years with one prosecution made in 2020 and 6 cases authorised for prosecution for the 2022 calendar year to date, of which three were criminal offences that would be likely to be taken to Crown Court and three were summary notices likely to be considered at the Magistrate's Court. The Trees Team undertook an average of 50 enforcement cases per year with one enforcement case currently standing at 250 officer hours and 300 car miles of costs, as well as Legal Officer and Barrister costs.
- In assessing the amenity value of a tree, two factors were taken into account comprising a monetary value, using Capital Asset Value for Amenity Trees (CAVAT) which provided a basis for managing trees as public assets rather than liabilities, and the valuation of a trained individual.
- The Trees Team also dealt with complaints about high hedges with an average case taking 18 working hours from initial assessment to the service of a remedial notice, with additional time required in relation to appeals and enforcement. The Local Authority charged £500 for handling such complaints and it was proposed that this be raised to £750 to cover the costs of the service, in line with other Councils.

The Vice-Chairman noted that the Local Authority was undertaking a proactive tree planting programme and underlined the importance of ensuring that the Local Authority met its responsibilities around ongoing tree maintenance, particularly in light of claims for damages.

The Committee agreed that reports be presented to future meetings of the Development Control Committee outlining the business cases for surveying the Local Authority's TPO portfolio and raising the cost of handling high hedges complaints. The Committee also discussed the workload of the Trees Team, and it was requested that a report presenting a business case on its future operation and resourcing, including staffing, be presented to the Renewal, Recreation and Housing Portfolio Holder via the Renewal, Recreation and Housing PDS Committee.

RESOLVED: That:

- **Reports presenting the business cases for surveying the Local Authority's TPO portfolio and raising the cost of handling high hedges complaints be presented to future meetings of the Development Control Committee; and,**
- **A report presenting a business case on the future operation and**

resourcing of the Tree Team, including staffing be presented to the Renewal, Recreation and Housing Portfolio Holder via the Renewal, Recreation and Housing PDS Committee.

8 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006, AND THE FREEDOM OF INFORMATION ACT 2000

The Chairman to move that the Press and public be excluded during consideration of the items of business listed below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

9 EXEMPT MINUTES OF THE MEETING HELD ON 19 APRIL 2022

RESOLVED: That the Part 2 (Exempt) minutes of the meeting held on 19 April 2022 be agreed and signed as a correct record.

**10 PLANNING TREES TEAM UPDATE (PART 2 EXEMPT REPORT)
Report HPR2022/027B**

The Committee considered the report and supported the recommendations.

The Meeting ended at 9.20 pm

Chairman

DEVELOPMENT CONTROL COMMITTEE 7 JUNE 2022

THE FOLLOWING QUESTIONS HAVE BEEN SUBMITTED FOR WRITTEN REPLY

1. From Mr Clive Lees, Planning Officer, Ravensbourne Valley Residents

What is the identity of the building referred to in Item 11 of Development Control Committee - Tuesday 19 April 2022 7.30 pm?

Reply:

The building subject to the Part 2 (exempt from publication) report considered by the Committee on 19 April 2022 was 26 The Avenue, Bickley, BR1 2BT. The property has been added to the Council's online mapping:
https://www.bromley.gov.uk/homepage/210/conservation_areas_and_listed_buildings_in_bromley.

2. From Ms Jean Seager

a) Can the council confirm that new housing units will be spread evenly throughout the whole borough, eg Bromley, Beckenham, Penge, Crystal Palace, rather than all in one place in Orpington, and if not why not?

Reply:

The Council's housing target is set out in the London Plan. The target applies to the whole borough and is not disaggregated by ward or other areas

b) Why does the council think it is appropriate to demolish homes in Vinson Close and the Knoll in order to build a "connectivity route" for cyclists to get to the station? Why can't they go up Station road like everybody else?

Reply:

There are no plans to demolish homes in Vinson Close and the Knoll in order to build a "connectivity route" for cyclists to get to the station, nor would such a scheme ever be proposed as it would not make sense from an economic, environmental or social perspective.

This issue has arisen following a misunderstanding of a diagram included in the draft Orpington Town Centre SPD. This map is purely indicative, identifying the broad area and directions that connectivity improvements may be sought. Improving connectivity in an area is an important principle which can make areas more accessible, which in turn can make them more desirable places to visit and spend

time. Improvements sought would not be limited to cyclists and could include improved pedestrian links.

The SPD is a guidance document that would be used to help assess planning applications. We have no control over who submits applications, but if an application is submitted in the Orpington Town Centre area, we would look to see if it could improve connections in the area. This could be minor things like wayfinding or signage, or it could be the creation of a new route through the application site in question. But to be clear, it would only be the particular site that is subject to the application where a route could be created; there would never be any ability for routes to be created through land owned by others (unless they willingly sold the land). In the event that a new route was created as part of a new development, then we would also assess whether it had any other impacts on adjacent sites, for example any impacts on privacy and security.

Officers consider that some further clarification may be suitable within the SPD to explain the above, but this will be a matter for future consideration as and when an adoption version of the SPD is brought to committee.

3. From Ms Julia Burton

- a) At its last meeting the DCC promised a public consultation on the future of the Walnuts Leisure Centre (WLC) and the Saxon Centre stating: *"This isn't strictly speaking a planning matter, however if a land deal were agreed in principal with Arelli in return for reprovision of the leisure facilities, then a public consultation would be undertaken."*

Can the Committee let me know what the approach is on this and provide details on how this public consultation will take shape?

Reply:

No land deal has been agreed therefore there are currently no plans for consultation. However the Council recently consulted on the SPD for Orpington and the deadline for this was extended to the 1st July 2022.

- b) The GLA report relating to Areli's application for Orpington Town centre dated 21 March requested details on how the town's leisure facilities will be 'uninterrupted' during construction. Can the Committee let me know when these details will be available to the public for scrutiny?

Reply:

This will be for Areli to provide as part of the Planning process. If and when these are received they will be made available.

4. From Ms Karen Dungate

- a) Please could you confirm how many homes have been built within the last 18 months and in which wards and how many homes having obtained planning permission will be built within the next 18 months and in which wards?

Reply:

The Government's live tables on net additional housing supply, specifically table 123, sets out total net additional housing delivery in Bromley between 2012/13 and 2020/21. This supply is broken down into different components of supply, including new build, conversions and housing delivered through permitted development rights. The live table can be accessed here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1035592/Live_Table_123.ods

Individual years can be accessed by clicking the tabs at the bottom of the spreadsheet. This information is not currently available by ward.

The GLA's London Planning Datahub provides further statistical information - <https://public.tableau.com/app/profile/glaintelligence/viz/PlanningLondonDatahub-Dashboard/MainDashboard>

We have no way of knowing what extant permissions will be built within the next 18 months. Planning permissions usually must be implemented within 3 years, but there is no requirement for them to complete within a certain period. The Bromley Housing Trajectory does estimate future housing delivery. The latest trajectory was published in November 2021 and is available here:

https://www.bromley.gov.uk/downloads/file/6455/bromley_housing_trajectory

- b) Please could you also confirm how many properties will be one, two or three bedrooms or more and how many will be flats, maisonettes or houses?

Reply:

This information is not provided as part of DLUHC statistics. The GLA's London Planning Datahub does provide a breakdown of unit sizes from completed schemes - <https://public.tableau.com/app/profile/glaintelligence/viz/PlanningLondonDatahub-Dashboard/MainDashboard>

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