DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 26 July 2022

Present:

Councillor Alexa Michael (Chairman)

Councillors Jonathan Andrews, 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, Melanie Stevens, Mike Botting and Kira Gabbert

Also Present:

Councillors Yvonne Bear and Michael Tickner

12 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor Mark Brock and Councillor Keith Onslow, and Councillor Kira Gabbert and Councillor Mike Botting attended as their respective substitutes.

13 DECLARATIONS OF INTEREST

In relation to minute 16 (21/05503/FULL1) – Sports Club, Worsley Bridge Road, Beckenham, BR3 1RL, Councillor Christine Harris declared that she was a member of the Park Langley Tennis Club which would gain additional courts if the application was approved.

14 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Six questions for written response were received from members of the public and are attached at Appendix A.

15 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 7 JUNE 2022

RESOLVED: That the minutes of the meeting held on the 7th June 2022 be agreed and signed as a correct record.

16 (21/05503/FULL1) - SPORTS CLUB, WORSLEY BRIDGE ROAD, BECKENHAM, BR3 1RL

Description of application – Demolition of all existing buildings on site and redevelopment to provide residential development comprising a mix of dwelling houses and apartment blocks (part 3 and part 5 storeys in height), including provision of affordable housing, alongside the provision of public open space fronting Worsley Bridge Road, onsite play space and areas for public sports facilities, associated landscaping, car parking and ancillary works.

The Principal Planner – Major Developments gave a brief presentation, providing an overview of the application. An update was provided in relation to the planning obligations listed in paragraphs 6.12.3 and 6.12.4 (page 78) of the report. Members were informed that the Council's Legal Department had advised that if the application was to be approved, matters relating to the 'delivery and ongoing management of public open space, land for sports uses and play space' and 'delivery of a new puffin crossing on Worsley Bridge Road' should be dealt with by conditions, rather than a S106 legal agreement. It was noted that the affordable wheelchair units would also be included in the affordable housing Heads of Term, rather than being separate, and the following revised Heads of Term had been circulated to Members:

Financial Contribution Heads of Term	**Amount**	**Agreed in Principle**
Affordable housing (including wheelchair accessible units for social rent)		YES
Carbon offsetting payment	£75,620	YES
Provision of one car club space		YES
Early stage affordable housing viability review		TBC
Late stage Affordable housing viability review		TBC

The Principal Planner – Major Developments advised that the applicant had not agreed the principle of the proposed early and late stage affordable housing viability review Heads of Term, nor had a draft legal agreement been submitted. It was therefore proposed that an additional recommendation for refusal be added as follows:

8. An acceptable planning obligation for provision of the affordable housing (including wheelchair accessible units for social rent), payment of carbon offsetting contribution, provision and operation of car club (including car club space), early and late stage affordable housing viability reviews and payment of monitoring fee and legal costs has not been entered into. The application is thereby contrary to Policies DF1 of the London Plan (2021) and 125 of the Bromley Local Plan (2019).

It was also suggested that the first reason for refusal be amended, changing the word *'substantially'* to *'substantial'*, and removing the word *'greater'* to read as follows:

1. The proposal would constitute inappropriate development on Metropolitan Open Land, and would result in *substantial* harm to its openness, both visually and spatially, undermining one of the essential characteristics of Metropolitan Open Land, which is permanence. The Very Special Circumstances proposed by the applicant do not justify this harm and as such the application is contrary to Chapter 13 of the National Planning Policy Framework (2021), Policy G3 of the London Plan (2021) and Policy 50 of the Bromley Local Plan (2019).

The Principal Planner – Major Developments informed Members that since the publication of the report, 126 late representations of support had been received. It was noted that these representations included some addresses near to the application site; however a number were not nearby properties. The representations had not stated anything different to those already reported, and, while acknowledged, did not alter the officer recommendation for refusal. The Principal Planner – Major Developments advised that a letter of support had also been received from the Lawn Tennis Association (LTA). Sport England had been notified of this and had advised that, while they acknowledged the LTA's support, given the significant loss of playing field here, they maintained their strong objection to the application. This was because the proposed tennis/padel courts were not considered to be of sufficient benefit to the community to outweigh the loss of flexible grassed playing field, particularly when there was no evidence that this playing field was surplus to requirements (according to the Bromley Playing Pitch Strategy). As set out previously, they were aware that there are sports clubs that would like to use these fields.

Oral representations in support of the application were received from the applicant, who gave the following responses to Members' questions:

- Square Roots had been brought on board as a development partner, with the intention to deliver the scheme as 100% affordable. There were certain mechanisms as to how this would be achieved – they had wished to speak with officers regarding how this outcome could be delivered, but the request had been denied. In response, the Principal Planner – Major Developments said that the applicant had received extensive pre-application advice, and during the formal application process the applicant had requested a meeting regarding the 100% affordable housing. Officers had asked the applicant to agree that 100% affordable housing be secured by a S106 legal agreement, which was the usual mechanism but the applicant had not been willing to do so. The application documents stated 50% affordable by habitable room and no additional documents had been provided.
- The applicant advised that they had wanted the meeting with officers to discuss how the development could be occupied as 100% affordable. Square Roots would require a grant from the Greater London Authority

(GLA) to deliver the increased outcomes, from 50% to 100%, and they needed to ensure that mechanisms were in place for the correct level of grant to be received. If the application was refused, the applicant stated they would not return to the Committee and commit to a S106 or the additional conditions.

- They would be willing to commit to 50% affordable units, which was above the Council's target of 35%. Square Roots was a registered provider for affordable housing. They were content with offering a 100% affordable housing provision, with the additional grant from the GLA, as they felt it was the right thing to do.
- The applicant advised that Heads of Term had been included in their planning statement. In response, the Principal Planner – Major Developments said that some planning obligations that the applicant would be willing to put forward had been provided but not all those required had been included. The applicant had been asked to confirm the principles of these, but no response, or draft S106 legal agreement, had been received.
- With regards to the use of the site, historically it had been operated as a sports site with a club house, which housed a bar that generated income. Due to complaints from neighbours regarding late night noise, the club house had its licence revoked, which meant that the sustainability and viability of providing club facilities on the site was lost. A marketing exercise had been undertaken – offers had come forward, but had not been substantiated, mainly due to issues around contamination.
- The site was known as the former British Gas Sports Ground (or CEGAS) and there had been a number of works on it. As part of the normal process, intrusive testing had been undertaken and a level of contaminates had been found. They had been advised, and it was also stated by the LBB Environmental Health Officer in paragraph 6.10.19 of the report, that there was sufficient evidence of the need for remediation of the site either for housing, its existing use as a football pitch or for other use. There would be an associated cost for this work, and during the marketing exercise the offers received did not reflect this requirement.
- The Football Federation had visited the site and had met with the marketing agents but no offer had been received. Some offers had been received for keeping the site in its current use as a sports pitch, but as mentioned, did not take any of the remediation work into account or did not have the accounts behind it. A copy of the marketing report had been included in the planning application.
- The applicant confirmed that items relating to the recommendations for refusal, which were associated with insufficient information having been provided, had been discussed. It was noted that they would be prepared to provide further information in due course, in the right arena – they believed that sufficient information had been provided for officers to make a decision and had presented it to Members accordingly.

Councillor Tickner, local Ward Councillor, addressed the Committee explaining that his local residents were extremely concerned about this application. Councillor Tickner said he had visited the site, which housed a run-down club house and some football pitches with goals – they were currently neglected but could easily be brought back into use. Councillor Tickner highlighted that the key point was that these playing fields were the Metropolitan Open Land (MOL) that the Council should be protecting – they were the "lungs of London" and should be in use for healthy sport. One of the top reasons residents gave for living in the borough of Bromley was its green spaces and parks, and they needed to be protected. The applicant had not demonstrated any special circumstances for developing this MOL site.

In addition to objections from local residents, the GLA, Mayor of London, TfL and Sport England had all objected. The Football Federation, on behalf of the Football Association (FA), had highlighted that the playing fields were not surplus to requirements as suggested, as a number of organisations would be interested in using the fields if the owners would let them at a reasonable rate. Councillor Tickner urged the Committee to support the officer recommendation and refuse the application.

Committee Member and Ward Member Councillor Ross thanked the officers for their comprehensive report and noted the response to the application made by the North Copers Cope Action Group. Although she appreciated the efforts of the applicant to include some sports facilities and a 100% affordable housing scheme, there had been a number of objections from residents and playing fields were in short supply. Councillor Ross said she agreed with Councillor Tickner's comments that they were the "lungs of London" and needed to be protected. The responses received from the applicant had not done enough to counter all the points raised, including those around urban design, and she therefore supported the officer's recommendations as updated and moved that the application be refused.

Councillor Dean noted that this application would result in the desecration of MOL that the Local Authority had pledged to protect, and that special circumstances were required to contravene this designation. Those stated for this application related to it contributing to housing supply – if this was accepted it could lead to building being allowed across the Green Belt. Councillor Dean agreed with all eight recommendations suggested for refusal and seconded the motion for refusal.

Councillor Kennedy-Brooks considered that it was the right proposal, but in the wrong place – for an application to be permitted on designated MOL, it needed to extremely special. It was felt that this had not been demonstrated, and as a result Councillor Kennedy-Brooks said he supported refusal.

Councillor King said that he also agreed with the officer's recommendations. It would result in a loss of playing fields, for which there was still a demand. Once a playing field was lost, it was lost forever.

Councillor Gabbert, while acknowledging that the playing fields were not surplus to requirements, highlighted that, due to the renting crisis, additional housing units in the borough were not surplus to requirements either. If the applicant had submitted the financial viability assessment to demonstrate their commitment to delivering 100% affordable housing, this was something that could be considered and she may have had a different opinion. However, this had not been forthcoming, and therefore she supported the officer's recommendations for refusal.

Councillor Joel considered that if the 5 storey high blocks were reduced to 3 storeys and retained some sports facilities on this MOL, there may be some merits. It was noted that there had been similar developments on Sidcup Road and the Blue Circle Site at Bromley Common which eventually obtained approval. With the extensive number of points contained in the report recommending refusal, Councillor Joel said he saw no grounds to go against this and therefore endorsed refusal. The Chairman commented that each application was taken on its own merits.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED**, as recommended, for the following reasons:

1. **The proposal would constitute inappropriate development on Metropolitan Open Land, and would result in substantial harm to its openness, both visually and spatially, undermining one of the essential characteristics of Metropolitan Open Land, which is permanence. The Very Special Circumstances proposed by the applicant do not justify this harm and as such the application is contrary to Chapter 13 of the National Planning Policy Framework (2021), Policy G3 of the London Plan (2021) and Policy 50 of the Bromley Local Plan (2019).**

2. **The proposal would result in the unacceptable loss of existing playing fields at the site, and the applicant has failed to justify this loss in accordance with the requirements of paragraph 99 of the National Planning Policy Framework (2021), Policy S5 of the London Plan (2021), and Policies 20 and 58 of the Bromley Local Plan (2019).**

3. **On the basis of insufficient information, being the lack of a Financial Viability Assessment to demonstrate that the scheme would maximise the delivery of affordable housing, the application is contrary to Policies H4 and H5 of the London Plan (2021).**

4. **The design of the proposed development, by reason of its layout, scale and massing, would be detrimental to the character, appearance and visual amenities of the site within which it lies,**

particularly given its designation as Metropolitan Open Land, and to the surrounding area; thereby contrary to Policies D3 and D4 of the London Plan (2021) and Policies 4 and 37 of the Bromley Local Plan (2019).

5. **Insufficient information has been provided to demonstrate that the proposed residential units would benefit from adequate daylight and sunlight, or that 10% of the units would meet the requirements of Building Regulation M4(3) 'wheelchair user dwellings'. The standard of accommodation provided for the proposed residential units would therefore be unsatisfactory and would be contrary to Policies D6 and D7 of the London Plan (2021) and Policy 4 of the Bromley Local Plan (2019).**

6. **In the absence of sufficient justification for the level of car parking proposed for the sports facilities and the impact on the strategic transport network, the proposal would undermine the strategic aims of the London Plan which are to reduce the dominance of vehicles on London's roads and to promote sustainable modes of travel. The development would therefore be contrary to Policies T1, T2 and T6 of the London Plan (2021).**

7. **Insufficient information has been provided to demonstrate how biodiversity would be enhanced and a net gain secured, contrary to Policy G6 of the London Plan (2021) and Policy 37 of the Bromley Local Plan (2019).**

8. **An acceptable planning obligation for provision of the affordable housing (including wheelchair accessible units for social rent), payment of carbon offsetting contribution, provision and operation of car club (including car club space), early and late stage affordable housing viability reviews and payment of monitoring fee and legal costs has not been entered into. The application is thereby contrary to Policies DF1 of the London Plan (2021) and 125 of the Bromley Local Plan (2019).**

17 BROMLEY TOWN CENTRE SUPPLEMENTARY PLANNING DOCUMENT - CONSULTATION DRAFT

Report HPR2022/034

The Committee considered a report recommending that the draft Bromley Town Centre Supplementary Planning Document (SPD) be published for 12 weeks public consultation. The SPD provided guidance to assist with the determination of planning applications in the Bromley Town Centre area, including guidance on design requirements.

The Head of Planning Policy and Strategy advised that the report provided the rationale for the SPD. It was highlighted that this was a consultation draft which would go out to public consultation for 12 weeks – following this the responses received would be assessed and the Council's Executive would make a decision in terms of adoption.

Members queried whether the SPD should be 'endorsed' or 'noted' by the Committee. The Chairman considered that the draft document needed to be endorsed by the Committee. It would then go to the Renewal, Recreation and Housing Policy Development and Scrutiny Committee before being presented to the Council's Executive, which would be followed by a call-in period. If no objections were received, it would be signed-off and put to public consultation. Another Member considered that if the Committee 'endorsed' the document for consultation it implied that it was not the finalised document and would be subject to amendments. [Note: the Chairman held a vote on the wording and it was agreed to stick to the suggested wording.]

A Member said that the document was extremely comprehensive and highlighted that the Ward Councillors had been consulted and their contributions noted. Several points were noted:

- Where there were a number of empty offices, owners could be encouraged to subdivide the floor space to create more rooms for smaller businesses (page 118/6, paragraph 2.5, item 1);
- While endorsing the car-free element it was considered that provision should be considered for new developments to provide parking for people with disabilities (page 119/7, paragraph 2.14);
- What, when and how could walking and cycling be encouraged (page 129/17, paragraph 4.14);
- Rooftop gardens and viewing terraces on the tops of high-rise buildings should be encouraged (page 132/29, SPD guidance note 7);
- Buildings could be designed and built over the area of the railway track at Bromley South Station (page 135/23, Character Areas and Sub Character Areas); and,
- The Old Palace, being a listed building, must be retained and preserved. If at any point the Council scaled down the number of employees on site, the buildings could be restored and the side wings removed to create an executive office building. Within the Queen's Gardens, a bandstand could be built which could encourage the public to appreciate the leisure space and make use of the nearby restaurants (page 137/25, paragraphs 5.7-5.8).

A Member advised that the newly-elected Bromley Town Ward Councillors had made initial comments on the document. They expected to make some further comments in due course and intended to share the SPD consultation with their residents.

A Member asked for further information as to how the consultation process worked. The Head of Planning Policy and Strategy advised that a comprehensive exercise, similar to that undertaken for the Orpington SPD, was intended. They would work in collaboration with the Communications

Team to ensure the document was made widely available, including using social media and the LBB e-newsletter which residents subscribed to. They would also speak with various stakeholders and partners for further dissemination via their databases. In response to a question from another Member, the Head of Planning Policy and Strategy said that as a minimum, they would liaise with town centre businesses through the Your Bromley Business Improvement District (BID) but would gladly use any other mechanisms to encourage businesses to contribute to the consultation. It was confirmed that the team had spoken with Your Bromley BID and they had been involved in the initial consultation.

A Member asked if Bromley Central Library could be used to house a display on the SPD consultation – it was located in the centre of the town and provided easy access. Both the Chairman and Head of Planning Policy and Strategy said that this was a good idea. It was agreed that the possibility of some form of display would be explored further. Another Member suggested that The Glades could also be considered for housing a display, and that the availability of a terminal for people to complete a survey or make comments, there and then, would be beneficial.

Another Member considered that detailed information on how the public would be consulted, and through what channels, needed to be clearly stated. It was noted that a decent response to the Orpington SPD public consultation was only received following the Orpington and Petts Wood and Knoll Ward Members undertaking a leaflet drop. In terms of the time frame, the Chairman advised that officers had indicated that the SPD would go out to consultation from early October 2022 through to early January 2023. The Head of Planning Policy and Strategy suggested that a list of those to be consulted, places where the consultation display would be held, and the media channels to be used could be included as an addendum when the report was presented to the September meeting of the Renewal, Recreation and Housing Policy Development and Scrutiny Committee, and circulated to Members of the Development Control Committee for information.

RESOLVED that:

i.) the draft Bromley Town Centre Supplementary Planning Document (shown at Appendix 1 of the report) and supporting documentation (at Appendices 2 and 3) for 12 weeks public consultation be endorsed, noting that there may be further minor amendments prior to consultation.

ii.) the Executive be recommended to approve the draft Bromley Town Centre Supplementary Planning Document (shown at Appendix 1 of the report) and supporting documentation (at Appendices 2 and 3) for 12 weeks public consultation; and,

iii.) the Executive be recommended to authorise the Director of Housing, Planning, Property and Regeneration, in consultation with the Portfolio Holder for Renewal, Recreation and Housing, to

approve any further minor changes (e.g. related to formatting or mapping) to the draft Bromley Town Centre Supplementary Planning Document (shown at Appendix 1 of the report) prior to consultation.

18 HOUSING DELIVERY TEST ACTION PLAN

Report HPR2022/035

The Committee considered a report seeking the endorsement of the Housing Delivery Test (HDT) Action Plan 2021. The Government's HDT results for 2021 showed that Bromley's housing delivery for the three-year period 2018-2021 fell below 95% of the Borough housing target for this period. As a result, national planning policy stated that the Local Planning Authority (LPA) should publish an action plan to: identify the reasons for under-delivery; explore ways to reduce the risk of further under-delivery; and set out measures the authority intended to take to improve levels of delivery.

A Member asked for further information relating to the responses received following the 'call for sites' consultation exercise that had been undertaken. The Head of Planning Policy and Strategy advised that around 95 responses had been received, which was a good rate. This had been the initial consultation on the Local Plan and work was ongoing to assess the sites, with a view to initiate the next stage of the Local Plan towards the end of 2022. It was noted that the 'call for sites' responses would also help inform strategies on housing supply and possibly land for economic use.

A Member highlighted paragraph 2.7 of the report, which related to data collection changes and stated that *'these issues will hopefully be rectified by summer 2022 and missing housing schemes uploaded into the new system'*. The Head of Planning Policy and Strategy advised that this related to the new monitoring system that the GLA had moved to, and the teething issues that had been experienced. Over the last year, there had been manual validation of data, and there may be permissions that the team were unaware of, that could potentially increase the delivery rate. However, it was highlighted that this was unlikely as a detailed validation exercise had been undertaken. Another Member questioned whether all builds were picked up and fed into the database – due to the implications of this, there was a need to ensure that the numbers were correct. The Head of Planning Policy and Strategy considered that the methods used by the GLA were fairly robust but there was the potential for schemes to "fall through the gap". If there were specific premises that were a concern, he would be happy to feed this back to the GLA to check that they had been captured.

A Member enquired as to how the builds were reported and how long they took to appear on the system. The Head of Planning Policy and Strategy advised that the system was continually updated by the GLA using various sources of data, such as Council Tax, and once a year a comprehensive 'starts and completions survey' was undertaken. This involved officers looking

at the list of schemes to check if they had been started or reached practical completion and were at a level where they could be occupied. In response to a further question, the Head of Planning Policy and Strategy said that the figures for 2022 were not yet known.

A Member noted that, across the Borough, there were various buildings and plots of land that remained empty for some time and enquired if special attention could be given to these sites. The Head of Planning Policy and Strategy advised that encouraging the reuse of properties fell outside the remit of Planning but any empty properties brought back into use were included as part of the housing supply statistics.

A Member considered that the action plan would help going forward as brownfield sites needed to be looked at to prevent the housing supply being delivered in a minority of Wards – there were areas that should be identified for housing. Compulsory purchase and site allocation was also important. Even though there was a need for schemes to be brought forward quickly, it was vital that consultations be as broad as possible. Another Member reminded officers that a brownfield site previously suggested was the site of the old Crystal Palace – if built on, this could provide a significant amount of homes, and should be included in the 'call for sites'.

In response to questions, the Head of Planning Policy and Strategy advised that the figures provided on page 245 of the agenda pack related to dwellings, however it was not known if they were occupied. It was confirmed that the Local Plan review was underway and would be taken forward over the next two to three years. The Member further noted the need to protect and preserve the Green Belt and open spaces, however a number of towns throughout Kent were permitting housing developments on open farm land. This highlighted that land was in short supply, hence high-rise blocks being submitted for planning permission.

In response to questions, the Assistant Director for Planning advised that pre-application services were available for larger schemes but had been temporarily suspended for smaller schemes. They hoped to get this reinstated as soon as possible, as it was beneficial to have these early discussions and try to shape applications so that the applicant had a greater chance of being successful. With regards to the Planning Performance Agreement (PPA), this was something that was intended to be trialled with a Council scheme, however this had not yet come forward. The PPA would be undertaken as soon as was possible, as it could help to bring in additional resources to fund the process, which would make it more adaptable.

A Member noted the social rent schemes that had been delivered across the Borough and enquired if sites identified for future builds were part of plans to increase affordable housing. The Head of Planning Policy and Strategy advised that this was led by the Regeneration Team. During the 'call for sites' exercise, they had discussed the sites expected to come forward for social housing, and any other development, for consideration.

The Chairman enquired if land banking was an issue in the borough. The Head of Planning Policy and Strategy said it was difficult to tell, as the evidence was contradictory, but he considered that the issue was minimal in the Borough.

RESOLVED that the Development Control Committee endorse the Housing Delivery Test Action Plan (shown at Appendix 1 of the report) for publication on the Council's website.

19 ARTICLE 4 DIRECTION UPDATE

Report HPR2022/036

The Committee considered a report providing an update on various Article 4 Directions recently made or confirmed by the Council. The Department of Levelling Up, Housing and Communities (DLUHC) wrote to the Council in May 2022 to note that they had reviewed Bromley's Class MA and Class ZA Article 4 Directions in accordance with new national policy and that they were not convinced that they complied with this new policy. As a result, DLUHC had invited the Council to reconsider the Directions, to ensure that the Article 4 Directions were proposed only where they would have wholly unacceptable adverse impacts and apply to the smallest geographic areas possible.

Officers had considered this request and prepared an updated methodology to reduce the areas, while ensuring that the rationale behind the Directions – to protect vitally important commercial space – still applied. The report presented sought endorsement of this methodology, which officers would then implement to determine the modified areas, and subsequently request that the Secretary of State (SoS) for DLUHC formally modifies the Article 4 Directions on this basis.

The Chairman advised that an Article 4 Direction did not stop development, however the Permitted Development (PD) rights were forfeited, and a formal planning application would need to be made, which added an extra layer of protection. The Head of Planning Policy and Strategy noted that the Council could only make or cancel Article 4 Directions, whereas the Secretary of State could modify them.

In response to questions, the Head of Planning Policy and Strategy advised that a specific meeting had been held with the officers from DLUHC who had sent the correspondence – they had been unable to clarify the concerns, which had not been elaborated on. Members' frustrations were shared, as they would have liked the issues to be stated but unfortunately they had been left to speculate. With relation to PD rights that changed an office to residential accommodation, it was confirmed that these units would count towards the housing target. It was noted that in the reports recommending Article 4 Directions, the commentary had highlighted that removing PD rights may impact the housing supply. However, on balance, it had been considered that the protections Article 4 Directions provided outweighed this. A Member

questioned what the next steps would be if the DLUHC did not accept the proposed methodology. The Head of Planning Policy and Strategy said that, in conjunction with the Director of Housing, Planning, Property and Regeneration and Portfolio Holder for Recreation, Renewal and Housing, a finalised set of areas to be modified, in line with the methodology, would be submitted. If the DLUHC responded and provided some clarification of the issues, this could be reported back to the Committee.

With regards to paragraph 3.16 of the report, the Head of Planning Policy and Strategy said that a housing scheme had been put forward for The Walnuts site. However, PD rights had different limitations and it was unlikely that the shop units would be changed to residential units as they would need significant alterations which would require a separate planning application. In response to a further question, the Head of Planning Policy and Strategy said that the level of uptake with the recent PD rights for office to residential had not been seen – however there were still concerns, and in the methodology they had been cautious in order to protect economic areas.

In response to questions, the Head of Planning Policy and Strategy advised that Class MA (retail to residential) allowed up to 1,500 sqm of floorspace to be converted in a building. Class ZA (demolition of buildings and construction of new residential) had an absolute size threshold – splitting a space into smaller units would create a new date from which the use was live, which may mean that it did not meet the requirement of other PD rights. If additional areas of concern were identified, they could look at implementing further Article 4 Directions. They were also required to review all Article 4 Directions that were already in place – any Article 4 Directions to be implemented, or cancelled, would be reported to Members.

RESOLVED that the Development Control Committee endorse the proposed methodology for modifying the Part 3, Class MA and Part 20, Class ZA Article 4 Directions and note that the Director of Housing, Planning, Property and Regeneration, in consultation with the Portfolio Holder for Recreation, Renewal and Housing, would be asked to agree the final amended areas prior to submitting these areas to the Department of Levelling Up, Housing and Communities for consideration.

20 LEVELLING UP & REGENERATION BILL - PLANNING IMPLICATIONS

Report HPR2022/037

The Committee considered a report advising Members of the proposed Levelling Up and Regeneration Bill, the likely impacts on planning and related matters and the timelines for the proposed changes.

The 'Levelling Up and Regeneration Bill' was given its first reading in Parliament in May 2022 and aimed to create a robust framework for levelling-

up. The Bill included a number of proposals to improve the planning system which were previously published in the Planning for the Future consultation in 2020, as well as a previous LBB officer report. The new Bill aimed to improve the planning process to give local communities more control over new development and included powers to:

- deliver high quality design and beautiful places, and protect local heritage;
- enable the right infrastructure to come forward where it was needed;
- enhance local democracy and engagement;
- foster better environmental outcomes; and,
- allow neighbourhoods to shape their surroundings, as this was where the impact of planning was most immediately felt.

A Member queried if the proposal to extend the period for taking enforcement action to ten years could be retrospective and considered that increasing fines associated with certain planning breaches was welcomed. Rather than noting the Bill, it was suggested that a positive contribution could be made. However, there were concerns regarding arbitrary housing targets – they needed to be stronger in making representations and consider how they would like the borough to look in 2050.

In response to a question from the Chairman, the Assistant Director for Planning advised that the formal response to the Planning White Paper had been brought to the Committee and had contained some strong views. The Assistant Director for Planning said he sympathised with the points raised – as a Planning Authority, they were obliged to operate within the system set, but they should try to influence this. It was highlighted that paragraph 3.29 of the report advised of further opportunities for consultation on various aspects of the Bill and it was suggested that any draft responses be brought to the Committee for agreement.

RESOLVED that the potential impacts of the Levelling Up and Regeneration Bill be noted by Members.

21 DELEGATED POWERS FOR PLANNING

Report HPR2022/038

The Committee considered a report proposing minor amendments to the scheme of delegation following recent revisions.

The scheme of delegation had recently been significantly revised (at General Purposes and Licensing Committee in April 2022) to make it more effective and concise. Following this update, several minor amendments were required to the powers delegated to the Director of Housing, Planning and Regeneration to ensure that the scheme was as effective as possible and to restore powers that were mistakenly removed in the recent revisions. The requested changes were to restore powers as follows:

- power to refuse any application:
  the previous scheme of delegation included the power to refuse any application (unless subject to call-in).

- power to determine amendments to major applications for new commercial development and for the provision of twenty-one or more dwellings:
  the previous scheme of delegation included the power to determine applications which fall within the definition of major development as above but comprised "other associated buildings, conversions, extensions and change of use, reserved matters, details pursuant, revised plans or amended proposals".

These elements were included in the previous scheme of delegation and removed accidentally from the revisions and thus did not represent a change from long standing powers held in respect of planning applications.

The Assistant Director for Planning advised that an issue had recently been highlighted in relation to delegated powers which did not apply to applications on a site that was subject to a current enforcement notice. In these circumstances, it was suggested that officers be able to refuse an application. However, if they were minded to permit the application, it would be brought to Committee. A further amendment was therefore proposed:

- Applications where the property is subject to an enforcement notice or breach of condition notice *except where the application is refused*.

In response to comments, the Assistant Director for Planning noted that when applications were refused under delegated powers, officers and Ward Councillors sometimes considered differing grounds for refusal. The process allowed for conditional call-in and the proposed changes did not look to undermine Councillors' ability to call-in or determine applications. However, it would allow unacceptable applications to be refused without needing to be brought to Committee. It was noted that Councillors received a weekly list of applications and the onus was on them to contact officers if they wished to discuss any of concern. In response to a question, the Assistant Director for Planning said it was not a common occurrence for an application to be called-in and then determined by delegated authority, and this had led to the online form for call-ins being devised. It was emphasised that if a Councillor called-in an application, it would flag with officers that there were concerns – dialogues could then take place, and if satisfied, the call-in could be withdrawn. A Member noted that if there were any applications that were particularly sensitive, case officers would contact Ward Councillors. It was highlighted that in Petts Wood Ward there had been good dialogue in relation to individual applications.

A Member enquired how long the process took once the online call-in form was completed. The Assistant Director for Planning advised that the case would definitely be brought to Committee. However, the length of time it would take very much depended on the specifics of the application. On some

occasions, officers would be negotiating on various aspects prior to a determination, as this could assist at appeal. It was suggested that the case officer for a specific application could be contacted regarding the anticipated length of time it would take to be brought to Committee.

RESOLVED that the proposed changes to the scheme of delegation be approved.

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

RESOLVED that the Press and public be excluded during consideration of the items of business referred to 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.

The following summaries
refer to matters involving exempt information

23 EXEMPT MINUTES OF THE MEETING HELD ON 7 JUNE 2022

RESOLVED: That the Part 2 (Exempt) minutes of the meeting held on 7th June 2022 be agreed and signed as a correct record.

The Meeting ended at 9.26 pm

Chairman

DEVELOPMENT CONTROL COMMITTEE
26TH JULY 2022

THE FOLLOWING QUESTIONS HAVE BEEN SUBMITTED FOR WRITTEN REPLY

From Mr Andrew Stotesbury:

Practically after the fire at St Mark's Square where the Fire Service did not have equipment sufficient to reach the fire. It is reported that there are only three 64m platforms in London, and it appears that there are no fire-fighting drones.

1.) Please confirm that Bromley Council will immediately ensure that no planning applications will be accepted or approved for which a 64m Turntable ladder cannot reach to all the full façade areas of any elevation.

Reply:

The Local Planning Authority is assessing relevant planning applications under the government's Gateway 1 process https://www.gov.uk/guidance/fire-safety-and-high-rise-residential-buildings-from-1-august-2021 which has been created to ensure fire safety.

We cannot refuse to accept or not approve based on the criteria mentioned as this is not currently a specific requirement.

2.) Also, Bromley Council to confirm that no planning application will be accepted or approved that the 64m ladder's fire-fighting hose nozzle cannot be aimed directly

Reply:

The Local Planning Authority is assessing relevant planning applications under the government's Gateway 1 process https://www.gov.uk/guidance/fire-safety-and-high-rise-residential-buildings-from-1-august-2021 which has been created to ensure fire safety.

We cannot refuse to accept or not approve based on the criteria mentioned as this is not currently a specific requirement.

From Dr Brendan Donegan:
(In relation to agenda item 6 – Bromley Town Centre Supplementary Planning Document (SPD) - Consultation Draft)

3.) Very happy that the draft SPD document refers to climate change and carbon management, but given the dangerously hot weather on 18 and 19 July, and the

likelihood of similar weather events in future years, would it make sense for the document to explicitly mention the "urban heat island effect"?

Reply:

The SPD references policies which refer to the urban heat island effect, particularly policy SI 4 of the London Plan. Guidance note 8 of the SPD states that development proposals should achieve high sustainability standards in line with this, and other, policies. It is not necessary to repeat the policies verbatim in the SPD.

4.) Glad to see that Bromley intends to consult for 12 weeks on this important document. How will Bromley target specific groups (e.g., older people, younger people or people with disabilities) that may not respond to traditional consultation methods? (Gov.uk and Local Government Association have excellent guides on this point).

Reply:

The scope of the consultation is yet to be determined. As noted in the committee report, officers will engage with the Council's communications team to ensure a comprehensive consultation exercise, modelled on the Orpington Town Centre SPD consultation.

From Mr Richard Gibbons:
(In relation to agenda item 6 – Bromley Town Centre Supplementary Planning Document (SPD) - Consultation Draft)

5.) Please help us put the forthcoming Bromley Town Centre Draft SPD Consultation in context; how many responses from individual LB Bromley residents has the Council received for: (a) Bromley Town Centre Commonplace Consultation; (b) Orpington Town Centre Commonplace Consultation; and (c) Draft Orpington Town Centre SPD Consultation?

Reply:

For a) and b), the Commonplace responses are not broken down by Bromley resident, hence this information is not available. For c), the Orpington Town Centre SPD responses have not yet been fully assessed, so we do not yet know how many responses came from residents. It is important to note that the ability to comment on the draft SPD was not limited to Bromley residents, nor did the consultation specifically seek residency details; where responses do allow us to distinguish local residency, this will be noted, but there may be many valid responses where this information is not provided.

6.) What lessons has the Council learnt from the initial Commonplace consultations for Bromley and Orpington Town Centres, and the subsequent consultation for the Draft Orpington Town Centre SPD, about facilitating community engagement with the forthcoming consultation for the Bromley Town Centre Draft SPD?

References

(a) https://bromleytowncentre.commonplace.is/

(b) https://orpingtontowncentre.commonplace.is/

(c) https://www.bromley.gov.uk/planning-policy/supplementary-planning-guidance

Reply:

As noted in the committee report, officers will engage with the Council's communications team to ensure a comprehensive consultation exercise, modelled on the Orpington Town Centre SPD consultation.

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