

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held at 7.30 pm on 18 April 2023

### **Present:**

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

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

### **Also Present:**

Councillor Yvonne Bear

#### **49 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillor Mark Brock and Councillor Pauline Tunnicliffe attended as his substitute. Apologies for absence were also received from Councillor Kevin Kennedy-Brooks.

#### **50 DECLARATIONS OF INTEREST**

There were no additional declarations of interest.

#### **51 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

One written question was received from a member of the public and is attached at Appendix A.

#### **52 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 10 JANUARY 2023**

**RESOLVED:** That the minutes of the meeting held on 10 January 2023 be agreed and signed as a correct record.

#### **53 (22/01340/OUT) - BROMLEY SKI CENTRE, SANDY LANE, ST PAULS CRAY, ORPINGTON, BR5 3HY (ST PAUL'S CRAY WARD)**

Description of Application: Outline planning permission for the redevelopment of the existing disused ski centre to construct 40 residential units with associated access, landscaping and parking (Outline permission in respect of access with other matters reserved).

The Planning Officer gave a brief presentation, providing an overview of the application and update on the report.

Oral representations in support of the application were received from the architect.

In opening the discussion, Councillor Tony McPartlan made representations on behalf of Councillors and Ward Members Chris Price and Rebecca Wiffen which highlighted the significant accessibility issues of the site which was located on a country road, including a lack of public transport and no pavement. For these reasons, the two Ward Members supported the Planning Officer's recommendation for refusal. The Chairman agreed with the points made and observed that, just as importantly, the site was also designated as Green Belt and that no very special circumstances had been demonstrated to justify causing harm to the openness of the Green Belt.

The Chairman moved that the planning application be refused as recommended. The motion was seconded by Councillor Simon Fawthrop, put to the vote and CARRIED unanimously.

**RESOLVED: That PERMISSION BE REFUSED as recommended for the reasons set out in the report of the Assistant Director: Planning.**

**54 (22/04417/FULL1) - 306-310 COURT ROAD, ORPINGTON, BR6 9DA (ORPINGTON WARD)**

Description of Application: Demolition of existing buildings and structures at No. 306 to 312 Court Road, erection of a 72-bed care home (Use Class Order Class C2) with associated car parking, landscaping and access (Revised description).

The Planning Officer gave a brief presentation, providing an overview of the application and update on the report.

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

- The care home was a private facility with self-funded residents whose care the Local Authority would have no liability for funding. The average age of residents was anticipated to be 85+ years for an approximate stay of around 3 years, although younger people could be considered for residence where they met the criteria for care. Care home residents would benefit from access to a private garden secured by a 1.8-metre-high close boarded fence, providing a safe and nurturing environment.
- The proposed parking provision included separate staff and visitor parking areas with 14 electric vehicle charging points. Highways Officers had confirmed that the proposed number of parking spaces was correct for the anticipated level of usage. A robust car park

management plan would also be developed to ensure that members of the public did not make use of the car park, including clear signage. A staff travel plan would be put in place to encourage staff to use public transport where possible and it was noted that some care operators offered a minibus service from key transport hubs for their staff.

- With regard to sustainability, the scheme would benefit from hidden solar panels and a 185-metre squared green roof. The potential for rainwater harvesting on-site had been raised by Councillor Simon Fawthrop and would be considered as part of the drainage strategy. It was proposed to use an air source heat pump in the scheme as it was not possible to undertake exploratory works to identify whether the site was suitable for a ground source heat pump until the existing building was demolished. Should an air source heat pump be used, a planning contribution would be secured by a legal agreement to reflect the shortfall in carbon reduction. However, if it was later identified that a ground source heat pump was feasible, this aspect of the scheme could be resubmitted for permission.
- The agent agreed that a condition be added to fix permanently landing windows overlooking Charterhouse Road to protect the privacy of local residents. This would be in addition to the existing proposal to fit windows with an obscure glaze.

The Chairman invited Councillor and Ward Member Pauline Tunnicliffe to open the debate. Councillor Tunnicliffe advised that she and her Ward Member colleague, Councillor Kim Botting were fully in support of the application which would enhance the area and meet an important local need. Councillor Alisa Igoe observed that the scheme was based on a busy road and junction and queried whether it would be appropriate to seek a Section 106 contribution from the developer for road safety measures. The Planning Officer explained that Highways Officers had not identified any highway safety issues in connection with the proposed scheme and Councillor Simon Fawthrop further noted that an unrelated road safety scheme was already being developed with respect to Court Road.

Councillor Pauline Tunnicliffe moved that the planning application be approved as recommended. The motion was seconded by Councillor Simon Fawthrop, put to the vote and CARRIED unanimously.

**RESOLVED: That PERMISSION BE GRANTED subject to legal agreement and conditions as recommended for the reasons set out in the report of the Assistant Director: Planning.**

## **55 NATIONAL PLANNING POLICY FRAMEWORK UPDATE Report HPR2023/014**

The Committee considered a report providing an update on Government proposals to amend the National Planning Policy Framework, including a

consultation exercise to which the Local Authority had submitted a detailed response. The report had also been reviewed by the Renewal, Recreation and Housing PDS Committee on 21 March 2023 and the Committee had noted the update.

In response to a number of questions from Members, the Head of Planning Policy and Strategy explained that the National Planning Policy Framework provided useful clarification across a wide range of planning areas including that there was no requirement for Local Planning Authorities to allocate sites at densities that were significantly out-of-character with an existing area, if this was the only way to meet housing need in full. The need for plans and drawings of proposed schemes to be clear and accurate was also stressed within the Framework.

A Member was pleased to note that both approvals and completions would be considered as part of future housing delivery targets which would ensure that the Local Authority was not penalised where agreed schemes were not delivered by developers in a timely manner. Another Member queried whether this would strengthen the Local Authority's position in working with developers and the Head of Planning Policy and Strategy confirmed that the Planning Service already engaged closely with all developers to secure the best outcomes for Bromley in terms of addressing adopted policy requirements. The Head of Planning Policy and Strategy advised that key local development concerns such as height and depth of new developments would be considered as part of the Local Plan review.

A Member underlined the importance of ensuring accessibility was at the forefront of planning policy and the Head of Planning Policy and Strategy confirmed that there was a strong focus on accessibility within national, regional and local design policy, although works that did not require planning policy came under building regulations which may not be as stringent.

The Chairman requested that the Local Authority's response to the consultation be circulated to Committee Members following the meeting.

**RESOLVED: That the report be noted.**

## **56 PLANNING APPLICATION FEES CONSULTATION** **Report CSD23058**

The Committee considered a report outlining a Government consultation on planning application fees which were set at a national level and seeking Members' views on the Local Authority's response.

The Assistant Director: Planning advised that the Government was proposing that planning application fees be increased alongside changes made to the existing performance management arrangements, including no longer including extensions of time. The work of the Planning Service was currently subsidised by the Local Authority and there was a need to identify whether

this subsidy would be adjusted in light of the additional fee income or whether the increased fees would allow for more investment in the Planning Service.

Members discussed the proposal to create a deterrent for retrospective planning applications by doubling fees. While some Members felt this would provide a means to penalise those deliberately seeking to circumvent planning processes while not unduly penalising those making a genuine mistake, other Members felt the fee for retrospective planning applications should be higher. A Member suggested that the Local Authority express support for Gareth Bacon MP's 10 Minute Rule Bill on Unauthorised Development (Offences) that proposed that development without permission be made a criminal offence and the Committee agreed that this be included in the Local Authority's response to the consultation.

**RESOLVED: That the proposals within the Government consultation on planning application fees be supported.**

**57 PLANNING APPEALS UPDATE**  
**Report CSD23059**

The Committee considered a report outlining the Local Authority's performance on planning appeals for the 2022/23 financial year.

**RESOLVED: That the report be noted.**

**58 DELEGATED ENFORCEMENT ACTION (OCTOBER TO DECEMBER 2022)**  
**Report HPR 2023/022**

The Committee considered a report outlining enforcement action authorised under Delegated Authority for the period 1 October to 31 December 2022 in respect of development undertaken without the benefit of planning permission.

**RESOLVED: That the report be noted.**

The Meeting ended at 9.05 pm

Chairman

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**DEVELOPMENT CONTROL COMMITTEE  
18 APRIL 2023**

**THE FOLLOWING QUESTIONS HAVE BEEN SUBMITTED FOR WRITTEN REPLY**

**1. From Dermot Mckibbin:**

With regard to Agenda Item 10: Delegated Enforcement Action (October to December 2022):

How many of the HMO's prosecuted under planning legislation were licensable HMO's, were these owners prosecuted under the Housing Act and if not, why not? Will the Council act under Planning and Housing law simultaneously?

**Reply:**

None of the current investigations into Houses in Multiple Occupancy have proceeded to prosecution as there have been no breaches of planning control where an enforcement notice has been issued and not complied with. The Housing Act requires that the Local Housing Authority must take all reasonable steps to ensure that applications for licenses are made to them in respect of HMOs in their area which are required to be licensed, and the Local Authority would therefore seek an application in the first instance prior to prosecuting. Should it be established that there was a breach of enforcement notice by an HMO, the Local Authority's Legal Service would issue legal proceedings and as Planning and Housing Law operate separately, the Local Authority would be able to act under both where appropriate.

It should be noted that with regard to HMOs, a planning offence does not indicate a licensing offence and vice versa, and where a property meets the relevant legal criteria, the Public Protection and Enforcement Service would issue a license regardless of Planning status.

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