

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held at 7.30 pm on 12 June 2017

### **Present:**

Councillor Peter Dean (Chairman)  
Councillor Richard Scoates (Vice-Chairman)  
Councillors Vanessa Allen, Douglas Auld, Katy Boughey,  
Kevin Brooks, Lydia Buttinger, Simon Fawthrop,  
William Huntington-Thresher, Charles Joel, David Livett,  
Kate Lymer, Russell Mellor, Alexa Michael, Neil Reddin FCCA  
and Michael Turner

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

An apology for absence was received from Councillor Eric Bosshard;  
Councillor Russell Mellor attended as substitute. Subsequent to the meeting,  
an apology from Councillor Nicky Dykes was received.

### **2 DECLARATIONS OF INTEREST**

No declarations of interest were received.

### **3 CONFIRMATION OF THE MINUTES OF THE MEETINGS HELD ON 25 APRIL 2017 AND 10 MAY 2017**

**RESOLVED** that the Minutes of the meetings held on 25 April 2017 and  
10 May 2017 be confirmed and signed as a correct record.

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

The following oral questions were received from Mr Adrian Lawrence:-

#### Question 1

'Why is there no mention of custom and self-build serviced plots being  
identified or made available in the Local Plan?'

#### Chairman's Response

The Council publicises the *Self-build and Custom Build Register* on its  
website and how the register will be used. Planning Policy Guidance states  
"*Relevant authorities with plan-making functions should use their evidence on  
demand for this form of housing from the registers that relate to their area in  
developing their Local Plan and associated document*".

At the time of preparing the Draft Local Plan and the decision to consult on the Proposed Submission Draft Local Plan there was no evidence of demand for self-build and custom build.

In line with the PPG the Self-build and Custom Build Register will form part of the evidence for future plan making and demand will be kept under review. The Council will use the Authority Monitoring Report to monitor the demand from the register. With the requirement for a register to be kept from April 2016 this will be included in the 2016/17 Authority Monitoring Report. If monitoring shows that it is necessary, the Council may issue Supplementary Planning Guidance to supplement the Local Plan housing policies for this matter.

#### Supplementary Question

Without reference to this in the Local Plan, does the Council consider the Local Plan will be found to be sound.

#### Chairman's Response

It does.

#### Question 2

'Why has the statutory duty to consider council asset disposal for such schemes been overlooked? For example, Banbury House, The Civic Centre, Hawes Down Clinic etc.'

#### Chairman's Response

In so far as this is a planning matter, the response is similar to that given for Question 1. If necessary the Council may issue Supplementary Planning Guidance to supplement the Local Plan housing policies for this matter.

In response, Mr Lawrence advised that as the Local Plan covered a period of 20 years, the Council should be more aware in regard to tenure of housing.

The following written question was received from Mr Clive Lees, Chairman, Ravensbourne Valley Preservation Society in regard to 14 Highland Road, Bromley:-

'This important Locally Listed property was redeveloped approximately three years ago and this Society first made a planning enforcement complaint in January 2015 on account of, first, a number of Conditions not being fulfilled and secondly, the development not been completed in accordance with the permitted planning application. Since that time there have been two stalled planning applications and two referrals by us to DCC yet still **nothing** has happened on the ground. We are at a loss to know why privacy screens have not been fitted nor a roof on the bike shed to make it usable let alone all the

other issues such as the addition of an extra window (not shown in the approved plans) and the absence of any soft landscaping on the drive. We should be grateful for clarification about when action will be taken to ensure the proper completion of this development.'

The Chairman's written response is set out below:-

'As a result of the planning enforcement process an application was submitted to the Council under ref, DC/16/03890/MATAMD. However, the Development Control Officer had no response to requests for amended plans. The case is now with our enforcement team in order for them to take further action. A Breach of Condition Notice against the current breach of planning control is being considered. We will be in a position to give Mr Lees further information by 30 June and will contact him by then.'

**5 PLANNING APPLICATION (16/04563/OUT) - 18 HOMEFIELD RISE, ORPINGTON BR6 0RU**

Description of application – Demolition of numbers 18-44 Homefield Rise and the construction of 103 residential apartments in four separate three and four storey blocks to be served by two accesses, together with associated car parking, cycle parking, refuse storage and private communal amenity space.

Oral representations in objection to the application were received from Mr David Padgham on behalf of Lancing Residents' Association. Mr Padgham reported the following:-

The minimal changes made to the latest submitted plans still resulted in:-

- overdevelopment of the site;
- overlooking;
- an inadequate level of parking and green space.

The Travel Plan had not been updated and the car ownership data was out-of-date and obsolete.

The proposed development did not adhere to Secure by Design standards. The applicants had shown no sympathy towards residents living in the surrounding area.

Mr Padgham requested that Members refrain from making a decision until consultation results were available.

Oral representations in support of the application were received from the applicant's agent, Mr John Escott, who reported the following:-

This site was designated in the Local Plan for development to provide approximately 100 residential units.

Blocks A and D had been rescaled as previously requested by Members. Block A was 32m away from the nearest local residents and Block D was over 65m away. Viability was an issue here; any further reduction would threaten the proposed development. Density of the site was at the lower end of the range advised by the London Plan.

Development of the site would result in a significant improvement to the area whilst providing much needed accommodation.

In response to Member questions, Mr Escott confirmed that viability figures had been submitted to the planning authority however, the Planning Officer reported that whilst the 35% affordable housing requirement would be met, a full viability assessment had not been received. Mr Escott reported that outline information had been submitted by Affinity Sutton.

Mr Escott disagreed with Councillor Fawthrop's suggestion that the proposed development contravened the London Plan in terms of density.

Councillor Michael referred to page 18 of the report which stated parking was provided at a ratio of 0.78 per unit however, on page 27 of the report, it was stated as being 0.72 spaces per unit. Mr Escott explained that whilst parking provision remained the same, the ratio had risen due to the decrease in the number of units.

The Planning Officer circulated a report update to Members informing them that additional representations had been received which made the following points in objection, in addition to those already summarised in the report:-

- Amended plans merely tinkered around the edges and none of the reasons for deferment had been realistically addressed;
- Massing remained as big as before;
- Overlooking was still a concern;
- Town houses were suggested;
- Visuals reinforced how large and imposing the new development would be;
- The development was too large and adjacent properties would be overlooked;
- Concerns regarding car parking;
- Need to consider overflowing bins;
- Reduction in number of units not sufficient to improve surrounding areas;
- Impact of car parking by Health Centre visitors had not been tested;
- Impact on/loss of trees; and
- Concern that no amendments had been made to the Transport Assessment or Travel Plan in response to previous comments on sustainable travel including cycling.

Having regard to the above matters and the conclusion of the report, the Officer recommendation remained as set out in the main agenda. The

Planning Officer confirmed that in the event that planning permission was granted, a legal agreement would be required along with minor changes to the recommended conditions.

Committee Member and Ward Member Councillor Huntington-Thresher reported that following deferral of the application at a previous meeting, he had met with the developer who confirmed he was willing to reduce the scale of development. Indeed, the scheme had been reduced by two units. However, not all the reasons for deferral had been addressed. A total of 103 units situated on this suburban site was in excess of the number designated in the London Plan density guidance. The proposed buildings would project too far into the site leading to overlooking from the four storey element.

Councillor Huntington-Thresher moved that the application be refused on the grounds of over-development and being out-of-character with the local area.

Councillor Fawthrop seconded the motion for refusal as the applicant had failed to resolve the previous concerns raised by Members. He suggested the applicant reconsider the proposals and submit a more sensible application.

Councillor Buttinger supported refusal on the grounds that the proposed units would directly overlook residential properties.

Councillor Joel stated this was a good development site for Orpington, situated near a main road serving the Walnuts shopping centre. The applicants had submitted a modified scheme as requested by Members, with the design being simple and not overpowering. Councillor Joel advised Members to think about the future requirement for housing provision and moved that the application be granted.

Councillor Dean stated that any large development within a town centre would impact on the surrounding area to a certain degree. In this case, the dimensions of the proposed scheme had been significantly reduced and the resulting impact would be minimal. He welcomed the 35% affordable housing provision.

Councillor Brooks suggested a further deferral to see if issues with local residents could be resolved.

Councillor Michael acknowledged the considerable efforts made by the applicant to reduce the scale and height of the development and the changes made to the design of the buildings. Given the pressure the Council was under to develop and provide affordable housing, she supported approval of this application.

Councillors Auld and Reddin supported refusal on the grounds of over-dominance, overlooking of properties in Lancing Road and concerns with the general height of the development, in particular Block B.

With the development located 25ft away from the nearest property and given the desperate need for housing provision, Councillor Allen supported approval.

Having considered the report, objections and representations, Members **RESOLVED that PERMISSION BE REFUSED** for the following reasons:-

1. The proposal would constitute an overdevelopment of this suburban site that would fail to respect or complement the scale, form and layout of the surrounding area and would harm the amenities of neighbouring properties through overlooking, contrary to Policy BE1 of the Unitary Development Plan and Policy 3.4 (including table 3.2) of the London Plan.

**6 PLANNING APPLICATION (17/00757/OUT) - LAND AT JUNCTION WITH SOUTH EDEN PARK ROAD AND BUCKNALL WAY, BECKENHAM**

Description of application – Residential development comprising 15 four storey townhouses and 52 apartments in three and four storey blocks to provide a total of 67 residential units together with concierges office and basement car parking (OUTLINE APPLICATION).

Oral representations in support of the application were received from the applicant's agent, Mr John Escott, who reported the following:-

Designation of this site was downgraded to Urban Open Space in 2006 and the land currently served no particular function within the area.

The proposed scheme comprised 67 units, a sizeable reduction in comparison with the previously refused application of 105 units which was considered to be an overdevelopment of the site. This was a high quality development which would have no impact on neighbouring properties. No objections had been received from the Highways Division and there were now no active badger setts on site. Mr Escott confirmed that an appeal regarding the previous application would be withdrawn should Members be minded to approve the scheme.

In response to Member questions, Mr Escott iterated that in regard to the Urban Open Space designation, the land had seen no specific use as urban open space for the past 15 years.

Councillor Scoates questioned the logic behind the applicant's willingness to withdraw the application appeal for 105 units in favour of a scheme which provided just 67 units. In response, Mr Escott explained that the present scheme would provide more houses and less apartments creating a pleasant mix of accommodation. He confirmed the scheme was viable.

Councillor Fawthrop sought confirmation that should this scheme be approved, no further applications would be submitted. Mr Escott advised that

as this was an outline application, it was inevitable that further permutations of the present application may need to be submitted.

The following oral representations in objection to the application were received from Mr Geoff Brocklehurst:-

Neighbours of the site in question had raised concerns. Urban Open Space was incredibly important to them as it protected residential properties from the spread of development. Following refusal of a previous application, Mr Brocklehurst had spoken with Planning Officers who had confirmed there was no compelling evidence to show that the site was required to meet Bromley's housing needs. The evidence had not changed since and the application should, therefore, be refused. Approval would leave the Council open to judicial review.

The Planning Officer had circulated an update informing Members that following publication of the report, additional representations in support of the application had been received. In addition, the applicant had supplied an updated ecology report which concluded it was likely that badgers no longer used this site. Further survey work was recommended prior to the commencement of clearance work to establish which species were using the site at the time.

If the application was acceptable in all other respects, the further survey work recommended could be secured by condition.

Having regard to the above matters and the conclusion of the report, the Officer recommendation remained as set out in the main agenda.

Councillor Dean considered the site to be virtually scrubland and served no particular purpose. A significant reduction in the number of proposed units had been made and the plot was ripe for development. The application was well-defined, provided adequate parking and contributed well towards the provision of affordable housing. He moved that approval be granted subject to a Section 106 Agreement.

Councillor Michael disagreed that the site served no purpose. The area was designated in the Local Plan as Urban Open Space and should be protected as such in particular the protection of trees and native animal species. The site also lay within an air-quality tested area. For this reason and the overdevelopment and density of the site, Councillor Michael moved that the application be refused.

In seconding the motion for approval, Councillor Joel considered there was scope for development of the land and advised that a full application should cover protection of any badgers or other native species on the site.

Councillor Scoates' views remained the same as with the previous application. The Local Plan should be considered a sacrosanct document and the land should, therefore, remain protected as Urban Open Space.

Before any application could be considered for development, the applicant should first submit an application for the land to be redesignated. Councillor Scoates supported refusal.

Councillor Buttinger suggested that as compensation for the loss of Urban Open Space, the scheme could be adapted to incorporate green roofs to complement the environment. The Planning Officer reported that the detailed design of the scheme would be considered with a future application at which point green roofs could be secured by condition.

Whilst Councillor Mellor was fully aware of the need to meet the Council's housing requirement, areas designated within the Local Plan should remain protected. He agreed with the recommendation for refusal on the grounds of over-dominance of the development.

Having considered the report, objections and representations, Members **RESOLVED that PERMISSION BE REFUSED** as recommended, for the reasons set out in the report of the Chief Planner.

## **7 AUTHORITY MONITORING REPORT 2014-2016**

### **Report DRR16/019**

All local Authorities are required under Section 13 of the Localism Act 2011, to produce an Authority Monitoring Report (AMR). The AMR should set out progress achieved in the implementation of the Local Development Scheme, the progress and effectiveness of the Local Plan and the extent to which the policies set out in the Local Plan were being achieved.

In accordance with the requirement set out above, Members considered the Council's Authority Monitoring Report for the two year period 2014-16.

**RESOLVED that the Authorities Monitoring Report for 2014-16 be agreed.**

## **8 SUBMISSION OF BROMLEY'S DRAFT LOCAL PLAN**

### **Report DRR17/026**

Members were requested to endorse the Council's Proposed Submission Draft Local Plan, together with the Policy Map Sets (Appendix A) and a Schedule of Proposed Minor Modifications (Appendix B).

Formal consultation on the proposed Submission Draft Local Plan was undertaken in November/December 2016. Responses to the consultation were summarised in Appendix C of the report.

In the event that the Proposed Submission Draft Local Plan was adopted by Full Council, the document would be submitted to the Secretary of State for

inspection. A response could be expected approximately 10 months following submission.

The Chief Planner confirmed to Councillor Buttinger that reference had been made in the Proposed Submission Draft Local Plan to landscaping and the protection of native plants and hedgerows and advised that supplementary guidance could be formulated.

Referring to page 525 of the Proposed Submission Draft Local Plan – Changes to Metropolitan Land, Green Chain and Urban Open Space Designations, Councillor Mellor was disappointed to note the deletion of MOL/GC designations for sites 13, 14 and 15 located within his Ward as he had previously requested they be retained. He considered deletion of these designations would result in a loss of valuable land.

The Head of Planning Strategy, Renewal and Recreation reported that only the areas which had already been developed were taken out of the Metropolitan Open Land designation within the Proposed Submission Draft Local Plan and the undeveloped land retained the designation. It was confirmed to Councillor Mellor that deletion of a designation referred solely to the developed land within a defined area.

Councillor Brooks was informed that whilst the designation of UOS allocated to the area around Winsford Gardens, Croydon Road, Penge would be deleted, the gardens themselves would still retain the UOS designation.

Referring to Views of Local Importance (page 458), Councillor Buttinger requested whether a specific view from Norsted Lane, Pratts Bottom, had been considered as a VLI in order to protect and retain the view across the city of London which could be seen from this site. The Head of Planning Strategy confirmed that whilst this area had been reviewed, at the present time, incorporating the site into the document would result in a material amendment which would significantly delay the adoption of the Proposed Submission Draft Local Plan. A policy did exist however, which protected sites such as this one. (Subsequent to the meeting Councillor Buttinger was informed that this was Draft Policy 37.)

The Chief Planner confirmed that the list of housing sites would be updated periodically when the 5 year housing land supply was reviewed.

The Council sought provision of 35% affordable homes on developments providing 11 or more residential units. Where an application proposed a level below this threshold, a viability assessment would be required which would be scrutinised by an independent person.

It was noted that the intermediate housing income threshold outlined on page 49 of the report (paragraph 2.1.35), was already two years old. The Chief Planner confirmed that this information would be updated every three years and was included in the schedule of minor modifications.

**The Chairman put the recommendation in the report to the meeting and it was unanimously agreed that:-**

- 1 the summary of representations (Appendix C) and the suggested minor modifications (Appendix B) in response to the Regulation 19 consultation on the Proposed Submission Draft Local Plan (Appendix A), be noted;**
- 2 Members of the Executive be recommended to agree the following documents as the main submission documents which will form the Bromley Local Plan:-**
  - a) Proposed Submission Draft Local Plan (November 2016) (Appendix A – part 1);**
  - b) Policy Map Sets (November 2016) (Appendix A – parts 2 and 3);**
  - c) Bromley Local Plan – Schedule of Proposed Minor Modifications (June 2017) (Appendix B); and**
- 3) Members of the Executive be recommended to delegate authority to the Chief Planner, in consultation with the Leader of the Council, to approve the preparation of necessary further information and amendments to the Bromley Local Plan Proposed Submission Draft Local Plan:-**
  - a) prior to, or soon after, submission of the Bromley Local Plan to the Secretary of State for Communities and Local Government for Independent Examination, including the Regulation 22 documents; and**
  - b) during the public examination in response to, for example, unexpected national policy changes.**

The meeting ended at 8.55 pm

Chairman