

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.00 pm on 21 June 2018

Present:

Councillor Alexa Michael (Chairman)
Councillor Kira Gabbert (Vice-Chairman)
Councillors Yvonne Bear, Mark Brock, Peter Dean, Nicky Dykes,
Simon Fawthrop, Will Harmer, Colin Hitchins, Charles Joel,
Kate Lymer, Richard Scoates, Michael Turner, Vanessa Allen,
Kevin Brooks, Melanie Stevens and Kieran Terry

Also Present:

Councillors Peter Morgan

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Katy Boughey; Councillor Kieran Terry attended as substitute.

An apology for lateness was received from Councillor Melanie Stevens.

2 DECLARATIONS OF INTEREST

Visiting Member Councillor Peter Morgan declared a non-pecuniary interest in agenda item 5 (Planning Application 17/05084/FULL1) as he was a Trustee of Bromley and Sheppard's Colleges.

Councillor Melanie Stevens declared a non-pecuniary interest in agenda item 7 – Planning Enforcement Progress and Monitoring, as she resided amongst properties listed in the report.

3 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 13 MARCH AND 16 MAY 2018

RESOLVED that the Minutes of the meetings held on 13 March and 16 May 2018, be confirmed and signed as a correct record.

4 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

5 PLANNING APPLICATION 17/05084/FULL1 - LAND ADJACENT TO BROMLEY COLLEGE, LONDON ROAD, BROMLEY (BROMLEY TOWN WARD)

Description of application – Proposed construction of three, three storey buildings to provide 24, 2 bed 4 person flats with associated parking and landscaping.

Oral representations in objection to the application were received from Mr Tony Banfield, Chair of Bromley Civic Society. Mr Banfield objected on the following grounds:-

- Concerns regarding vibration during construction work as Sheppard's College had no foundations.
- In regard to the number of flats to be provided, a previous application for 25 units was refused by Members in 2003.
- The significant importance of heritage assets. The northern aspect should have been assessed for its historic significance.
- This would be an unsustainable development, harmful to the Conservation Area and the significance of designated heritage assets.

An addendum updating the Committee on a previous application was circulated to Members and can be viewed as Annex A to these Minutes.

The Planning Officer advised that should Members be minded to permit the application, two additional conditions would be required as follows:-

1. A safeguarding condition to ensure that the listed wall was not unduly damaged during or after construction.
2. A compliance condition to ensure the Air Quality Assessment was complied with.

Members were also advised that the officer recommendation had been amended to read 'Application Permitted Subject to a Section 106 Legal Agreement'.

The published report stated that the site was allocated for 70 dwellings however, this had been updated within the five year housing land supply document and 24 units were now allocated for the site.

Ward Member Councillor Dykes considered the current proposal to be an improvement on the previous application. However, taking into consideration the representations received from the Bromley Civic Society, particularly in regard to the Conservation Area and the Listed Building, she was unsure whether the application enhanced the site.

Ward Member Councillor Harmer deemed the application to be uninspiring and of little architectural merit. This was however, an opportunity site identified in Bromley's Area Action Plan.

Councillor Fawthrop referred to the comments submitted by APCA which stated the application did not reflect the Inspector's previous decision. He suggested the applicant be requested to amend the application to be more sympathetic in regard to preserving views into and out of the Conservation Area. The proposed parking provision was inadequate and the number of electric car charging spaces should be 100%.

Councillor Turner stated that in planning terms, there were no grounds to refuse the application. This was agreed by Councillor Dean who moved that the application be granted.

Having visited the site, Councillor Terry observed that the development would be close to the Grade II listed building. In regard to landscaping, it was important to protect the building and to ensure that the tree line was retained. He therefore suggested that condition 16 be strengthened for added protection. The Planning Officer advised that Tree Preservation Orders could be issued on replacement trees in perpetuity.

Councillors Brooks supported the application. The applicant had done what was required; the site was identified within the AAP and Bromley's housing target needed to be met.

Councillor Bear requested the addition of a Dust Management Plan condition.

Councillor Joel referred to the Victorian detached houses which were demolished to make way for the Kentish Way project. These works had resulted in an improvement in traffic movement into Bromley. The current proposal was a more simple design and he suggested the applicant carry out a survey in regard to the boundary wall and that discussions take place with the owners of the adjoining property.

The Chairman agreed that the current proposal was an improvement on previous applications and met the Council's requirements in terms of wide spaces between blocks and good tree screening which would alleviate concerns of the College.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner together with the following additions and amendments:-

1. A safeguarding condition to protect the wall between the College and the site including protection against all effects during construction.
2. An Air Quality Compliance condition.

3. Condition 16 be strengthened in regard to extending the time period for retention of new landscaping beyond five years with a view to TPOs being issued on replacement trees in the future.
4. A Dust Management Plan condition.

A vote on Councillor Fawthrop's motion to provide 100% electric car charging spaces fell.

IT WAS FURTHER RESOLVED THAT PERMISSION BE GRANTED SUBJECT TO A SECTION 106 LEGAL AGREEMENT.

6 PLANNING APPEALS MONITORING REPORT: APRIL 2017 TO MARCH 2018

Report DRR18/024

Consideration was given to an update on planning appeals received and decided for the year 2017/18.

In response to a question from the Chairman, the Planning Appeals and Enforcement Manager explained that appeal cases had increased significantly over the last year because Bromley received a higher number of planning applications compared with other Boroughs. Therefore, the refusal rate was also higher.

The Chairman requested (and Members agreed), that a fuller report be submitted for consideration in September 2018 to include:-

- cases determined under delegated authority or by Committee;
- applications determined against officer recommendation for permission;
- the outcome of appeals - whether they were upheld or dismissed;
- comparison figures with other London Boroughs;
- costs awarded for appeals which were allowed;
- list of inquiries and costs for lawyers etc.

The Chairman noted that the national figure for appeals allowed was 33%. Bromley's currently stood at 38%, a decrease on the previous year, so the Council was heading in the right direction.

RESOLVED that the report be noted and a more detailed report, including the items listed above, be submitted for consideration at the Development Control Committee meeting in September 2018.

7 PLANNING ENFORCEMENT PROGRESS AND MONITORING REPORT

Report DRR18/032

Members received an update on the progress of cases:-

- currently under investigation/pending consideration;
- at the appeal stage;
- awaiting compliance period;
- where enforcement action had been instigated;
- awaiting prosecution action;
- where enforcement action had been authorised; and
- currently with the legal department awaiting further action.

The report also included a full breakdown on the range of current complaints. As this contained confidential information, it was considered under the part 2 (not for publication) section of the agenda (Agenda Item 15 – Report DRR18/032).

The Chairman noted that Planning Enforcement was a ‘complaint led service’ and asked what scope there was to carry out more reactive work. The Planning Appeals and Enforcement Manager explained that over 3,000 planning applications were received annually and each application had a three year statutory implementation phase. In addition to this, the Enforcement Team were actively dealing with 750 cases with limited resources. It would therefore be exceedingly difficult at the present time to undertake compliance checks as well. The Team reacted to complaints raised by people who were directly affected by schemes which were approved by the Council.

RESOLVED that a briefing/updates meeting on planning appeals and enforcement for Members of Planning Committees be arranged during Autumn 2018.

8 ENFORCEMENT MONITORING REPORT (APRIL 2017 TO MARCH 2018)

Report DRR19/025

The report provided an update of enforcement activity from 1 April 2017 to 31 March 2018.

No issues were raised by Members.

RESOLVED that a briefing/updates on planning appeals and enforcement for Members of Planning Committees be arranged during Autumn 2018.

9 DELEGATED ENFORCEMENT ACTION - JANUARY 2018 TO APRIL 2018

Report DRR18/026

Members were advised of the action taken in regard to enforcement action authorised under Delegated Authority for alleged breaches of planning control.

Members were advised that the 20 enforcement cases listed at Blackbrook Lane, Bickley (page 35 of the report), related to sub-plots of land belonging to different people who were all issued with individual notices as a result of rubbish accumulating after the land had been used as a traveller site.

RESOLVED that the report be noted.

10 DESIGNING OUT CRIME PRESENTATION

Mr Mark Headley, Designing Out Crime Officer, Metropolitan Police Service, gave the presentation which included:-

- an introduction to Secure By Design (SBD);
- what is SBD?;
- types of SBD award;
- the SBD process;
- advantages of SBD; and
- a final summary.

The presentation can be viewed in its entirety at Annex B to these Minutes.

In response to Members' questions, Mr Headley advised that evidence and statistics produced by independent accredited studies could be viewed on the website www.securebydesign.com. The research carried out could show that crime had decreased since the introduction of SBD.

The SBD Group offer a free security advice service based on current crime figures and crime trends.

It was Mr Headley's belief that some insurance companies gave weight to homeowners who held an SBD Certificate.

In regard to major developments where open spaces and alleyways were created, the SBD Group could advise on lighting, egress and access routes and car parking in an attempt to reduce potential crime issues.

The Chairman and Members thanked Mr Headley for his interesting and informative presentation.

11 LOCAL LIST OF VALIDATION REQUIREMENTS FOR PLANNING APPLICATIONS

Report DRR18/027

National Government Guidance required Local Planning Authorities to undertake a regular review of their validation requirements for planning applications. It was necessary to ensure that the list remained fit for purpose in the context of changes to national legislation and Development Plan Policies.

The report set out:-

- the national and standard requirements for all application types (including householder applications); and
- technical supporting statements/documents required for more complex applications (which could be requested for householder applications if required).

Members were requested to formally adopt a revised Local List of Validation Requirements.

The Chief Planner advised that in accordance with changes to government guidance and standard practice, it was intended that Financial Viability information could be made publicly available.

Councillor Joel referred to pre-application enquiries and asked what documents were requested at this stage. The Chief Planner informed Members that the Council's planning portal set out the documents and information needed which varied for each type of scheme but in general details of elevation, plans and costs were required. An 'in principle' stage had recently been introduced for larger development applications.

The Bromley Portal differed from the National Portal in that it covered slightly different areas. Bromley's Local Validation Requirements may be referred to in regard to developments in Conservation Areas and Areas of Special Residential Character.

The Chairman noted that all applicants were asked for a Design and Access Statement and asked if the required documentation varied between different types of development such as normal household applications and major developments. The Chief Planner confirmed that documents required would be in proportion to the size of the development. Major applications would require fuller details.

RESOLVED that the revised Local List of Validation Requirements be formally adopted.

**12 LB BROMLEY LOCAL INTERMEDIATE HOUSING INCOME
THRESHOLD REVIEW**

Report DRR18/011

The report sought Members' agreement to raise the existing local income thresholds for 1-3 bedroom units for intermediate housing to reflect changes (primarily in house prices) over the past three years.

The Chairman referred to the 40% increase in house prices and recognised that household income thresholds needed to be realistic. The Chief Planner informed Members that the information on house prices had been obtained from the www.home.co.uk website.

In response to a question from Councillor Brooks, the Chief Planner acknowledged there were variations in house prices throughout the Borough which were due, in part, to existing housing stock. The local income thresholds identified in the report were the maximum levels.

Councillor Allen conducted a search of the website mentioned above which showed that house prices had not increased in the last three years. Together with the lack of increase in wages, she was not convinced that the proposed increase would help considering the lack of affordable housing.

RESOLVED to recommend to the Executive that:-

- (i) **the amended local upper limit intermediate housing (intermediate ownership) household income thresholds for 1, 2 and 3 bedroom units be as follows:-**
 - 1 bedroom units - £55,000**
 - 2 bedroom units - £68,800**
 - 3 bedroom units - £73,400**
 - 4 bedroom units apply GLA household upper limit of £90,000 to 4 bedroom units (intermediate ownership);**
- (ii) **the GLA household upper limit of £60,000 applies to intermediate rent products; and**
- (iii) **the amended Addendum to accompany the Council's Supplementary Planning Documents on Affordable Housing (2008) and Planning Obligations (2010) be as attached in Appendices 2 and 3 of the report.**

13 BROMLEY COUNCIL RESPONSE TO THE DRAFT LONDON PLAN

Report DRR18/030

Members considered the Council's response to the Draft London Plan which included a report submitted to the DCC meeting held on 26 January 2018 together with a finalised agreed response.

The Chairman informed Members that she had copied the Council's response to three Borough MPs, and to the Secretary of State. She confirmed to Councillors Allen and Brooks that she would also send a copy to the MP for Lewisham West and Penge.

RESOLVED that the Council's response to the Draft London Plan consultation and the process and timetable for the London Plan Examination in Public be noted.

14 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 moved that the Press and public be excluded during consideration of the item of business listed below as it was 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.

15 PLANNING ENFORCEMENT PROGRESS AND MONITORING REPORT - PART 2

Report DRR18/032

Members considered confidential information relating to Agenda Item 7 (Report DRR18/032).

RESOLVED that the confidential information be noted.

The meeting ended at 8.33 pm

Chairman