

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 4 April 2019

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,
Richard Scoates, Michael Turner, Vanessa Allen, Kevin Brooks,
Nicholas Bennett J.P. and Kieran Terry

45 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Katy Boughey and Kate Lymer; Councillors Kieran Terry and Nicholas Bennett J.P. attended as their respective substitutes.

An apology for absence was also received from Councillor Melanie Stevens.

46 DECLARATIONS OF INTEREST

In relation to Item 7, Councillor Fawthrop declared a non-pecuniary interest as his daughter resided in close proximity to land north and east of Westerham.

47 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 6 NOVEMBER 2018 AND MINUTES OF THE SPECIAL MEETING HELD ON 15 JANUARY 2019

RESOLVED that the Minutes of the meeting held on 6 November 2018 and the Minutes of the Special meeting held on 15 January 2019 be confirmed and signed as a correct record.

48 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

49 PLANNING APPLICATION 18/05184/FULL1 - ALLIED BAKERIES, CRAY AVENUE, ORPINGTON BR5 3RT

Description of application – Phased redevelopment of Allied Bakeries site. Part demolition of former bakery. Retention of original office and tower. Redevelopment and alterations to retained distribution warehouse and workshop. Creation of two new industrial units for B1(b), B1(c), B2 and B8 uses including service road, yards, parking and landscaping.

The Planning Officer gave an update on the report as follows:-

- Only five trees would now be removed with two maple trees at the front of the site being retained.
- The indicative soft landscaping scheme proposed the planting of 21 trees 4-5m in height.
- Landscaping condition 9 would be updated to reflect the tree removals and to secure the minimum number and size of trees on the indicative landscaping plan.
- Parking provision was reduced to 170 spaces. Page 14, bullet point 1, and page 38, paragraph 4 had been amended to reflect this. Contrary to TfL's comments, Highways Officers were confident that the proposed number of spaces would not lead to a demand for on-street parking.
- The first sentence of paragraph 2 on page 35 was amended to read:- 'To the north elevation of the retained part of the existing warehouse, a 9.5m wide (approx..) extension will be provided along with a new external *wall* fitted with structural metal cladding panels and a dual pitched roof.'
- Condition 2 was amended to update drawing numbers following submission of a revised site plan showing the addition of eight short stay cycle hoops (16 spaces).

Contrary to that stated in the report, no objections to the application had been received.

Committee Member and Ward Member Councillor Bear fully supported the application. This was an important site within the Cray Valley Business Corridor and she welcomed its renovation subject to the proposed conditions especially those relating to the replanting of trees and the parking provision. Whilst no objections had been received from residents, there were concerns that parking did not overspill onto the surrounding roads. Councillor Bear moved that the application be granted.

Councillor Terry considered the application to be reasonable and in keeping with the existing industrial use within the area. Conditions 24 and 25 would ensure that any future change of use would need to be considered via new planning applications. Councillor Terry seconded the motion to grant permission.

Referring to Public Transport Accessibility Levels (PTALs), Councillor Fawthrop stated that Transport for London assumed that people who live next to a train station would travel by train; similarly those residing near bus stops would use the bus but anyone living near a road would not wish to travel by car. PTALs were flawed as they were not based on destination points. In his view there could never be more than enough parking spaces.

Condition 19 (page 50) proposed that electric vehicle charging points would be provided to a minimum of 20%. Councillor Fawthrop moved that this be

increased to 25% as set out in the London Plan. The Planning Officer advised that the proposed 20% complied with the current London Plan and assumed Councillor Fawthrop was referring to the new draft London Plan which made it difficult to justify an increase to 25%.

As Design Heritage Champion, Councillor Bennett was disappointed not to be consulted on this locally listed building. Whilst it was important for the site to be returned to economical use, he was uncomfortable with the proposal to demolish the post-war addition of the south block which balanced the building. The height of the buildings behind the tower dominated what was a stand-alone building. For these reasons, Councillor Bennett could not support the application but he did second Councillor Fawthrop's motion to increase the provision of electric vehicle charging points.

Councillor Harmer supported the application which complied with planning policies and was satisfied with the proposed provision of 20% electric vehicle charging points. The Planning Officer advised Councillor Harmer that a condition relating to restricted permitted development rights had been included to protect against change of use should the business space proposal not be successful.

Members RESOLVED that the application be granted as recommended, subject to the conditions and informatives, set out in the report of the Chief Planner with conditions 2 and 9 amended to read:-

'2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and documents listed in this condition unless previously agreed in writing by the Local Planning Authority:

Site plans/elevations/floor plans: 11020 PL: 001; 002; 003; 004; 005 A; 006; **007 C**; 012; 013; 021; 022; 025; 031 A; 032 A; 033 B; 041 A; 042 A; 051 A; 054; 055; EDS 07-3102.01 A.

Reason: To prevent any unacceptable deviation from the approved plans.

9 (1) Prior to commencement of above ground construction details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

1) A scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted which shall include the use of a minimum of 30% native plant species of home grown stock (where possible) and no invasive species;

2) location, type and materials to be used for hard landscaping including specifications, where applicable for:

- a) permeable paving
- b) tree pit design
- c) underground modular systems
- d) sustainable urban drainage integration
- e) use within tree Root Protection Areas (RPAs)

3) A schedule detailing sizes and numbers/densities of all proposed trees/plants, **which shall include a minimum of 21 trees measuring 4-5m in height;**

4) Specifications for operations associated with plant establishment and maintenance that are compliant with best practice; and

5) Full details of retained and proposed boundary treatments.

9 (ii) There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.

(iii) Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting.

(iv) Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason: In order to comply with Policies 37, 73 and 74 of the Bromley Local Plan to secure a visually satisfactory setting for the development and to protect neighbouring amenity.'

A vote to increase the provision of electric vehicle charging points from 20% to 25% fell at 5-6.

Councillor Bennett's abstention from voting was noted.

50 LB BROMLEY FIVE YEAR HOUSING LAND SUPPLY PAPER FEBRUARY 2019

Report DRR/19/021

In line with Government guidance, an updated five year housing land supply paper was usually reviewed by Members on an annual basis. The last paper was agreed by the Development Control Committee on 16th November 2017.

In November 2018, following an initial update, Members agreed that the November 2017 position should be extended in the short term until the next

Paper was considered. This would enable relatively recent publications of the new National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) to be assessed as they included updated guidance on the compilation of five year housing land supply papers.

A draft Five Year Housing Land Supply Paper was due to be considered by Members on 6th February 2019 however, this meeting was cancelled due to concerns regarding the deliverability of some of the housing supply components in the Draft Five Year Housing Supply Paper. Those concerns had now been given due consideration. The Paper was updated to incorporate further details relating to the monitoring of housing completions.

This report set out the five year housing land supply position for the Council from 1st December 2018 – 30th November 2023. It concluded that there was a deliverable five year housing land supply in the Borough.

The Legal Representative referred to correspondence received from the agent of an interested developer. In relation to the content of this correspondence, the Council had taken the opportunity to consult with a barrister who was a specialist in planning matters. The barrister's advice was reported to Members.

The Chief Planner advised that for ease of reference, a list of appendices and their page numbers had been circulated to Members.

The following paragraph numbers were inserted to replace 'xxx' on page 111 of Appendix 3:-

Paragraph 1, first sentence – 'Paragraph **1.30** of the 5YHLS sets out that the Borough was attributed an annual average housing supply monitoring target of a minimum 641 units per annum in the 2016 London Plan.'

Paragraph 2, first and second sentences – 'As specified in paragraph **2.19** of the 5YHLS 2019 an assessment has been made of the contribution that small sites (<0.25ha) have made to housing delivery from 2010/11 – 2017/18. This data represents the most up-to-date data when the 5YHLS was compiled in line with the observations made by the Inspector who reported on the 'Dylon' decision (APP/G5180/W/16/314428) as made reference to in paragraph **2.7** of the Council's 5YHLS.'

Paragraph 3 – 'Paragraph **2.20** of the 5YHLS makes reference to the reasoning for including unit completions from the use of permitted development rights.'

Paragraph 4, final sentence – 'Paragraph **2.22** of the 5YHLS sets out the Council's reasoning behind this uplift.'

Paragraph 10, first sentence – 'Paragraphs **2.59 to 2.62** of the **2019** 5YHLS make reference to the fact that only sites that have commenced [accommodating 9+ units] are included in the supply.'

The final sentence of paragraph 2.20 (page 85 of the report), was amended to read:- 'See also paragraphs **2.59 to 2.62** below.'

Paragraph 2.62 (page 97 of the report), was amended to read:- 'The allowance of 200 units is considered deliverable in light of the fact that completions from this component since 2014 reached over **525** units and there are approximately 250 units currently in the pipeline (30 units from the 250 have started).'

The Chief Planner advised that the 5YHLS was part of National, London and Local Policies. The Council had recently adopted the Bromley Local Plan which identified its 5YHLS through the Local Plan process. Page 100 of the report identified Bromley's capacity as 3752 units which exceeded the target of 3365.

Councillor Fawthrop expressed his gratitude to officers for their efforts in undertaking this project. He also thanked the Legal Representative for consulting with the Barrister who had given clear and concise advice. Councillor Fawthrop moved that the report be agreed. The Chairman seconded the motion.

Councillor Allen considered Bromley had only met its housing targets partly due to the Council's loss of planning appeals – something which needed to be addressed. She encouraged the Council to set up more meaningful regeneration development planning and engage more with developers, the community and others to produce good quality proposals which Members could support. For the large sites identified, Bromley was potentially faced with a long process of unpleasant planning applications, refusals and appeals which could result in second-rate developments. The lack of affordable dwellings was shameful and although covered in the Local Plan, there needed to be full recognition and acceptance of the provision in all deliberations. Affordable housing was required for professionals and key workers who in turn, would contribute to Bromley's economic growth.

In regard to the small site numbers, Councillor Allen was unclear how a list of unbuilt permissions over the last four years gave an indication of future provision. Small sites were clearly a major contribution to the overall delivery and lessons could be learned from other boroughs on how to make this happen. As a result of their collaboration, fewer appeals were made and more sites came forward which were actually developed.

The Chief Planner advised that the Housing Land Supply and Housing Trajectory had been considered through the Local Plan process and examined by the Planning Inspector who concluded that, with modifications, it was satisfactory.

RESOLVED that the five year housing land supply position 01/12/18-30/11/23 be agreed.

**51 BROMLEY'S RESPONSE TO SEVENOAKS' PROPOSED
SUBMISSION LOCAL PLAN**

Report DRR19/023

Under a 'Duty to Co-operate', local planning authorities were required to identify cross-boundary issues and engage positively with neighbouring Boroughs when preparing their Local Plans. In this regard, Members were given the opportunity to comment on Sevenoaks District Council's Proposed Submission Local Plan (SDC).

Members therefore reviewed key elements of the proposed submission Local Plan that could, potentially, impact adversely upon the London Borough of Bromley.

The Chairman advised that Sevenoaks were currently at an early stage of progressing their Local Plan.

Councillor Dean moved that the recommendation be agreed. The Chairman seconded the motion.

RESOLVED that the suggested response to Sevenoaks District Council's Draft Local Plan (Regulation 19) consultation be agreed.

**52 BROMLEY'S RESPONSE TO BEXLEY'S DRAFT LOCAL PLAN
REGULATION 18 CONSULTATION**

Report DRR19/022

Members considered a report advising on the London Borough of Bexley's consultation on its Local Plan preparation: Preferred approaches to planning policies and land-use designations (Regulation 18 consultation paper). Member agreement was sought on the proposed responses having regard to Bromley's Local Plan requirements, as part of its Duty to Co-operate.

As Ward Member for Chislehurst, Councillor Terry would have welcomed an indication of significant developments proposed for the Bromley/Bexley border. The Planning Strategy Officer advised that the lack of specific detail regarding development, was due to the fact that Bexley's development stage of the Local Plan was behind that of Sevenoaks. The proposed response therefore, was more of a holding response until Bexley's progression to the next stage.

Referring to community facilities and education, Councillor Dykes reported she had recently attended a School Places Working Group meeting where Members discussed migration figures for Bexley school children. Councillor Terry's point in relation to significant development on the Bromley/Bexley border was therefore key. Councillor Dykes requested that Bromley be as proactive as possible in this regard

RESOLVED that Bromley's response to the London Borough of Bexley's Local Plan Regulation 18 'Preferred approaches to planning policies and land-use designations' consultation be agreed.

53 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.

54 EXEMPT MINUTES OF THE MEETING HELD ON 6 NOVEMBER 2018

Councillor Fawthrop moved that as the appeal in question had been determined, the Minutes should no longer be considered as exempt information. The motion was seconded by Councillor Bennett.

RESOLVED that the exempt Minutes of the meeting held on 6 November 2018 be confirmed and signed as a correct record and that they be made available to the public.

(A public copy of the declassified Minutes can be found as a separate document on the Council's website under the Development Control Committee meeting dated 4 April 2019.)

The meeting ended at 8.00 pm

Chairman