

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 3 October 2019

Present:

Councillor Alexa Michael (Chairman)
Councillor Yvonne Bear (Vice-Chairman)
Councillors Vanessa Allen, Katy Boughey, Mark Brock,
Kevin Brooks, Peter Dean, Simon Fawthrop, Christine Harris,
William Huntington-Thresher, Charles Joel, Russell Mellor,
Keith Onslow, Angela Page, Richard Scoates and Michael Turner

Also Present:

Councillor Neil Reddin FCCA and Ade Adetosoye, Chief
Executive

19 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Tony Owen; Councillor Keith Onslow attended as substitute.

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

20 DECLARATIONS OF INTEREST

Councillor Fawthrop declared a non-pecuniary interest in Item 8 as he worked for British Telecom.

21 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

22 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 23 JULY 2019

Minute 11 - Planning Service

Members were advised that the penultimate sentence of the second paragraph had been amended to read:-

'Recommendation 12 (substitution at committee should not be related to Ward interest), was a significant issue and should, therefore, apply to all Planning Committee meetings.'

RESOLVED that, subject to the above amendment, the Minutes of the previous meeting held on 23 July 2019 be confirmed and signed as a correct record.

23 MATTERS OUTSTANDING FROM PREVIOUS MINUTES

There were no outstanding matters from previous Minutes.

RESOLVED that the report be noted.

24 PLANNING APPLICATION (19/01794/FULL1) - HAYES COMMON BOWLS CLUB

Description of application – Change of use of the existing bowls pavilion to D1 (non-residential institution use), and erection of a 3 storey building plus basement to provide a 60 bed care home (Use Class C2), with associated outdoor and indoor amenities, parking spaces and landscaping.

Oral representations from the applicant in support of the application included the following statements:-

- A successful development would create 67 new jobs.
- There was an acute need for care home facilities within a five mile radius and a demand for 1000 beds within the area.
- The pavilion building would be occupied by a local charity.
- Marketing of such a property on the basis of the existing sport use was extremely limited and no interest was shown.
- In regard to access, the applicant would be willing to provide a footpath link.

Oral representations from the owner of a nearby property in objection to the application raised the following issues:-

- The site was designated as Urban Open Space (UOS) and should remain as such.
- The existing car park was used by visitors to nearby residential properties.
- The development would be out of keeping with the surrounding properties, resulting in a loss of privacy and intrusion on residents' living conditions.
- The increase in traffic caused by staff vehicles and deliveries would produce excessive exhaust fumes and considerable noise disturbance.

In response to Member questions, the objector confirmed that the lease for residents of Burton Pynsent House contained the right to use part of the proposed site for visitor parking.

Oral representations from Ward Member Councillor Neil Reddin in objection to the application were received at the meeting. While he agreed there was a need to provide more care homes in the Borough, as the site was designated UOS, it was not suitable for such a development. The application documents referred to the derelict nature of the site. However, this did not mean it could be built on. The footprint of the development was two-thirds larger than nearby Burton Pynsent House. Ward Members had stipulated they had no objections with CASPA. The proposal would result in an increase in traffic spread over a longer period of the day.

For the reasons outlined above, Councillor Reddin supported refusal of the application.

The Head of Development Management summarised the report in a brief presentation to Committee and outlined both the advantages of the application and the reasons for the recommendation of refusal. A document of site photographs and key drawings from the application was circulated to Members.

The Committee was also advised that following publication of the report, Officers had been copied into correspondence between the applicant and the Council's Education, Care and Health Services team which indicated that the terms on which the 10 bed spaces offered for Bromley residents may be revised. This did not affect the overall conclusions of the report or the recommendation.

Further comments had been received from Sport England following confirmation that the bowls club and cricket club operated as separate units. While their objection remained, Sport England had confirmed that it would not be necessary to refer it to the Secretary of State in the event that planning permission was granted.

In opening the debate, the Chairman acknowledged that while there was a clear need for the provision of care homes within the Borough, the application must be decided on planning grounds. Development of this particular site would lead to a loss of open land and, as stated by Councillor Reddin, the proposed footprint was two-thirds larger than nearby Burton Pynsent House. It was noted that objections had been received from Sport England. The development would result in loss of amenity and an increase in traffic, noise and disturbance. Access to the site was unsatisfactory and the site was located in an area with a poor PTAL rating. Overall, this was not a suitable location for the proposed development.

For the reasons given above, the Chairman moved that the application be refused.

Councillor Fawthrop considered the level of car parking provision and the lack of any electrical car charging points to be inadequate. He seconded the motion for refusal.

Referring to the fact that no other sport could be facilitated within such a small site area, Councillor Turner considered the land should be put to good use. He believed some of the objections such as the impact of deliveries and increased traffic and parking problems to be exaggerated. Care homes were urgently needed and this tucked-away site appeared to be ideal for such provision. Councillor Turner moved that the application be granted.

Councillor Allen seconded approval and considered that reference to the massing of the building had also been exaggerated. In her experience, there was not a huge number of visitors to care homes during the night. The design of the proposed building was attractive and the part use for charity purposes would benefit the community.

The Chairman advised that the charity aspect of the proposal related to office use rather than a community use.

Councillor Brooks supported approval, stating that a compromise was needed in regard to building on open space. The mixture of charity use and care provision was much needed in the Borough.

Having considered the report, objections and representations, Members RESOLVED that the application be refused as recommended, for the reasons set out in the report of the Assistant Director (Planning).

25 COUNCILLOR PLANNING APPLICATION 'CALL-INS'

At the Development Control Committee meeting held on 23 July 2019, Members agreed that, as part of the recommended Planning Service Improvements, a report summarising the number of Councillor planning application 'call ins' broken down by Ward would be submitted to the Committee on a six monthly basis.

In this regard, Members considered data provided for 'call ins' relating to applications determined between 1 January 2019 and 30 June 2019.

RESOLVED that the report be noted.

26 MOBILE TELECOMMUNICATIONS PERMITTED DEVELOPMENT CHANGES CONSULTATION

Members considered the proposed changes and the Council's suggested response to the Government's current consultation relating to the principle of amending permitted development rights for operators with rights under the Telecommunications Code to support deployment of 5G and extend mobile coverage and the circumstances in which it would be appropriate to do so.

Councillor Fawthrop referred to the unsightly colour of the masts which did not blend in with the streetscene. He requested that the Government be asked to use a more appropriate colour such as British Racing Green.

The Head of Development Management agreed to add this comment.

Councillor Huntington-Thresher commented that while the erection of masts created an impact on the surrounding area, people soon became accustomed to them. However, it now appeared that various housing cabinets were installed around or close to the masts. To avoid the inevitable visual impact, he suggested that masts and/or cabinets should be shared and perhaps cabinets could be located in a submerged position. The provision of cabinets should be minimised.

The Head of Development Management agreed to include this comment.

Councillor Fawthrop referred to the environmental impact caused by the installation of cabinets. As each box was self-powered, he suggested that power sharing also be considered.

The Head of Development Management agreed to convey this comment.

RESOLVED that, subject to the additional comments outlined above, the Council's formal response to the consultation as set out in the report be agreed.

27 HOUSING STRATEGY CONSULTATION

Given its close relationship with Planning, Members were requested to note the current Housing Strategy Consultation. While the Housing Strategy was not a Planning policy consultation or publication, it did dovetail with the Local Planning Authority's approach to housing as set out in the Bromley Local Plan 2019 and accorded with the policies within that development plan.

Councillor Allen referred to the Council's dependency on the five year housing supply and on input from focus groups etc. The Strategy was much needed and would require a lot of time and effort from the planning department to push this forward.

The Assistant Director (Planning) confirmed that the planning department was working with colleagues in Housing to progress and improve awareness.

Councillor Fawthrop advised that over the last year, the population in London had decreased by 100,000 thereby creating a reduction in demand for housing.

RESOLVED that the report be noted.

28 LOCAL PLAN LEGAL CHALLENGE

Adoption of the Local Plan took place on 16 January 2019. Subsequent to this, a Pre-action Protocol letter was received from Field Fisher on behalf of “Dylon 2” stating that they proposed to challenge the adoption on a number of grounds.

Following a High Court hearing on 24 July 2019, Sir Duncan Ouseley handed down his judgement on 6 September 2019.

Members were requested to note the successful outcome of the Judicial Review of the Local Plan 2019.

The Chairman asked whether or not the applicant had appealed the High Court decision. In response, the Legal Representative advised that the applicant was given a number of days in which to give the Council notice of an appeal. To date, there was no sign that he wished to take any further action. The Legal Representative agreed to send Members an updating e-mail to confirm the deadline had elapsed. It was confirmed that the Council’s costs had been paid.

RESOLVED that the judgement of Sir Duncan Ouseley in respect of the Judicial Review into the Bromley Local Plan (2019) be noted.

29 LONDON PLAN UPDATE

Members received an update on the current situation in regard to the Draft New London Plan.

The Mayor of London had published a consolidated Draft London Plan incorporating changes brought forward by the Mayor at various stages during an Examination in Public.

The Chairman requested the words ‘to the’ be inserted in the report’s recommendation.

RESOVLED that the suggested consolidated changes to the Draft London Plan and the anticipated publication within the next few weeks of the Panel’s report on the Draft London Plan be noted.

30 DEVELOPMENT MANAGEMENT TEAM PERFORMANCE

Members considered the quarterly update on the performance of the Development management (Planning applications) team.

The Chairman outlined the report and sought clarification that the number of applications turned away during the quarter were due to incomplete forms. The Assistant Director (Planning) confirmed that this was the reason.

RESOLVED that the report be noted.

31 PLANNING SERVICE IMPROVEMENTS

Following a light touch review of planning committee processes by the Planning Advisory Service in April 2019, Officers had drawn up a number of recommendations to take forward improvements to the planning service, including the operation of planning committees.

The report currently before Members provided an update and timescales for those recommendations and set out suggested actions to be taken forward by officers and/or Councillors.

The Chairman noted that the proposed improvements were in various stages of progress at the moment. She advised Members that the definition of Major applications related to the national definition.

In regard to recommendation No.4 (paras 3.8-3.12), Councillor Fawthrop moved that applications for development within Conservation Areas and Areas of Special Residential Character which do not provide a 1 metre sidespace remain the subject of Committee decision. Anything else could be dealt with under delegated powers. Councillor Onslow seconded the motion.

Councillor Allen reminded Members that the PAS review was undertaken due to the risk of special measures being taken against the Council. Five months had elapsed since the PAS report was received which highlighted the seriousness of call-ins to Committee. Training for Members had been suggested which Councillor Allen would like to see implemented as soon as possible.

The Chairman assured Councillor Allen that all aspects of the review were being taken seriously. A reorganisation of the planning department had taken place during the summer months. The proposed actions would be delivered.

Councillor Brooks then expressed concern that the Planning Advisory Service recommendations were being implemented too quickly. The Chairman reassured him that the items were being implemented at a sensible pace.

Councillor Huntington-Thresher referred to paragraph 3.11 of the report and sought clarification on the definition of 'a unit'. The Assistant Director (Planning) explained that a development for multiple occupation counted as one unit if the occupants lived as one household. He agreed that the number and definition of units in forthcoming reports would be specified.

Councillor Mellor stated that delegation of applications to officers removed decision-making powers from Councillors. Officer presentations on reports being considered at Committee would be welcomed. Councillor Mellor requested sight of a clear definition of what constituted Major planning applications. The Assistant Director (Planning) agreed to circulate the national definition of a Major application via e-mail to Members.

RESOLVED that:-

- 1) the timescales and updated actions set out in the report be noted;**
- 2) the proposed method for determining whether cases are reported to Development Control or Plans Sub-Committee be agreed; and**
- 3) applications for development within Conservation Areas and Areas of Special Residential Character which do not provide a 1 metre sidespace must remain subject to Committee decision. All remaining changes to the delegated powers and types of cases which are currently routinely reported to Committee be confirmed.**

Councillors Allen and Brooks abstained from voting.

32 PLANNING STAFFING UPDATE

Members received an update on the current structure of the Planning Team.

A larger, clearer version of the structure chart set out in paragraph 3.2 of the report was circulated to Members.

The Assistant Director (Planning) confirmed there were still some vacancies within the Planning and Building Control departments. It was anticipated that all vacancies would be filled by the end of December 2019.

RESOLVED that the report be noted.

33 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.

34 EXEMPT MINUTES OF THE MEETING HELD ON 23 JULY 2019

RESOLVED that the exempt Minutes of the meeting held on 23 July 2019 be confirmed and signed as a correct record.

The meeting ended at 8.30 pm

Chairman