

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held at 6.30 pm on 24 September 2020

### **Present:**

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

### **Also Present:**

Councillors Kathy Bance MBE, Keith Onslow and Suraj Sharma

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

An apology for absence was received from Councillor Peter Dean.

#### **28 DECLARATIONS OF INTEREST**

Councillor Angela Page declared a non-pecuniary interest in Item 14 – Petts Wood Conservation Areas, as she had relatives who resided in Little Thrift.

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

Two Questions for written reply were submitted to the Chairman. A copy of those questions together with the Chairman's responses can be viewed at Annex A to these Minutes.

#### **30 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 21 JULY 2020**

**RESOLVED** that the Minutes of the previous meeting held on 14 July 2020 be confirmed and signed as a correct record.

#### **31 MATTERS OUTSTANDING FROM PREVIOUS MINUTES**

**Members noted that all matters outstanding from previous meetings had been completed.**

**32 PLANNING APPLICATION (20/00781/FULL1) - FOOTZIE SOCIAL CLUB, STATION APPROACH, LOWER SYDENHAM, LONDON SE26 5BQ (Copers Cope Ward)**

Description of application – Demolition of the existing buildings and redevelopment of the site by the erection of a four to eleven storey development comprising 254 residential units (130 one bedroom; 107 two bedroom and 17 three bedroom) together with the construction of an estate road and ancillary car and cycle parking and the landscaping of the east part of the site to form open space accessible to the public.

Committee Member and Ward Member Councillor Mellor moved that the appeal be contested. Councillor Fawthrop seconded the motion.

**Having considered the report and objections, Members RESOLVED TO CONTEST THE APPEAL as recommended, on the grounds set out in the report of the Assistant Director, Planning and Building Control.**

**[Note - this item was considered after Item 10 - Bromley Housing Trajectory 2020.]**

**33 PLANNING APPLICATION (19/05216/FULL1) - CRANBROOK COURT, 50 THESIGER ROAD, PENGE, LONDON SE20 7NW (Penge and Cator Ward)**

Description of application – Refurbishment and upwards extension of Cranbrook Court to provide 33 units of temporary accommodation for the homeless (Sui Generis) and 12 units of residential accommodation (Use Class C3).

Oral representations from the applicant's agent in support of the application included the following points:-

- The proposal site was a former care home, converted to temporary accommodation for the homeless in 2012. Since then, it had been operated by Orchard and Shipman in line with a legal agreement that afforded the Council first refusal for renting out units via a registered provider.
- The site had the appearance of being ripe for redevelopment or at the very least, in need of investment. It was originally part of the same plot of land that was redeveloped for Sutherland Court by Hanover Housing and was notably smaller in height and mass than its neighbour, as well as clearly being of older stock. Furthermore, it was a corner plot and conveniently located, being equidistant from Penge East and Kent House railway stations. It was also a short walk from Penge High Street in one direction and Cator Park in the other.

- It was suggested at consultation stage that the site would be better developed for accommodation for the elderly. In this regard it should be noted that the existing use was essential to meeting the Council's statutory duty to house vulnerable people and that the use was policy protected. A comprehensive redevelopment of the site had therefore always been a difficult prospect. As such, development options had always focussed on refurbishment and expansion of the existing building, with the use continuing throughout construction.
- The end result of this proposal would be the improvement of the quality and quantity of temporary accommodation available to the Council, cross-subsidised by opening up part of the site to private housing. It would not be lost on Members that the provision of housing, particularly at the starter home end of the market, also met a critical need.
- Initial enquiries about the site's development potential began in early 2017 and a series of positive and proactive pre-application discussions followed. While the principle of development was never disputed, there was an ongoing concern regarding the proposed height at 4 storeys. The applicant made a number of design amendments seeking to address these concerns but ultimately the original proposal was refused. Although other issues were discussed in detail as part of a subsequent appeal, the determining factor of the appeal dismissal was the scale of development at four storeys.
- The detailed report of the Planning Inspector set the parameters for the current development proposal. The scheme reduced the number of private units from 19 to 12 and reduced the scale of development from four storeys with a flat roof, to three storeys with a pitched roof. This brought the scheme in line with the scale of surrounding development and was an entirely appropriate addition on what was a prominent corner site.
- The proposal would secure the future of the temporary accommodation, improve the circumstances of those living there and provide a small number of new homes at the more affordable end of the market.
- The design development had been informed by the Planning Inspectorate, Bromley Planning officers and Ward Councillors and overall the proposal should be seen as a positive improvement to a site in need of regeneration.

Oral representations on behalf of all three Ward Councillors in support of the application were received from Ward Member Councillor Kathy Bance.

Councillor Bance had been aware of the development since 2011 and had managed complaints from residents. The site was currently being used for temporary accommodation and she knew the building well.

Councillor Bance considered that the proposed refurbishment and extension to the building would have no impact on the local surroundings. It was not situated on a main road and was located in an area where plenty of transport links were available. No complaints had been received in regard to any resident of Cranbrook Court.

While she understood the concerns of residents in Sutherland Court, this proposal would provide much needed family accommodation. The developer had liaised well with the Council and relevant consultees to resolve any emerging issues. The proposal would be of great benefit to Penge.

The Development Management Area Team Leader gave the following updates:-

- Members were advised to consider the updated 5 year land supply when considering the application.
- The appeal under application 18/01013/Full1 had been dismissed by the Planning Inspector.
- During construction of the upward extension, it was intended that occupants would remain in place. Each room would be refurbished as it became vacant. The occupants in private accommodation could be decanted into the new third storey when that was complete which would allow the development to be finished.
- Condition 19 in the officer recommendation should be amended to read that parking spaces should be permanently retained for the use of private units.

Committee Member and Ward Member Councillor Brooks considered the developers had presented a more acceptable scheme than previously proposed. The scheme would provide much-needed family homes and temporary accommodation. For this reason, Councillor Brooks moved that the application be permitted.

The Chairman seconded the motion to grant permission, emphasising that the increase in units for temporary accommodation was necessary. The decrease in the provision of private accommodation units and the reduction in height of the building from 4 storeys to 3 were welcomed.

**Having considered the report and representations, Members RESOLVED that PERMISSION BE GRANTED SUBJECT TO THE PRIOR COMPLETION OF A SECTION 106 AGREEMENT as recommended and subject to the conditions and informatics set out in the report of the Assistant Director, Planning and Building Control with condition 19 being amended to read that parking spaces should be permanently retained for the use of private units.**

**34 PLANNING APPLICATION (20/01280/OUT) - LUBBOCK HOUSE,  
1 NORTHLOME RISE, ORPINGTON BR6 9RF  
(Farnborough and Crofton Ward)**

Description of application – Demolition of existing building and construction of a new building to create a part 3/part 4 storey block of 43 x 1 bedroom flats as specialist housing for the elderly, with associated parking, refuse store and landscaping (OUTLINE APPLICATION).

Oral representations from a local resident in objection to the application included the following points:-

- Northolme Rise was a narrow road from the 1960s, constructed to serve 8 houses at the top. The lower part was used by vehicles/pedestrians accessing Sherlies Avenue, particularly commuters and schoolchildren being dropped off or walking via an alleyway through to Orpington Station.
- Ambulances were easily blocked by parked cars and refuse lorries reversed up the road. There was no pavement down the side of the proposed development and elderly residents from Lubbock House were regularly seen walking in the road.
- The CGI impression of the proposal was not very accurate. The plans showed the car park goes right-up to the south boundary and the large conifers and the trees to the west of the site were removed over a year ago. A more representative version showing the dominating effect on the surrounding properties and area had been provided to Members.
- The proposed building extended much further down the site, resulting in a very bulky form. There was no separation from the parking to the boundary, or parking to the building and elderly pedestrians were forced to walk through moving/parking vehicles contrary to LP Policy 4g.
- The proposal represented a near 3-fold increase to 86 residents. Much of the green space was unusable due to the slope of the site, the resulting accessible amenity space did not appear to satisfy Policy 4c considering 86 people, staff and visitors. The internal communal space for a property designed for 86 elderly people was also very small.
- The existing site only had a few parking spaces which were used by staff. None of the elderly residents owned cars and visitors were directed to alternative parking (no longer available). Increasing the number of residents 3-fold to 86 with deliveries/visitors etc. and 20+ parking spaces clearly represented a significant increase in vehicle movements and issues with the adjoining narrow roads.
- The independent assessment found significant risk of side impact/shunts due to poor visibility. Recent sight-line drawings confirmed the 43m clear

visibility splay was still not met even after removing vegetation. Nor did it appear to take into account that the entrance was to be changed to a 1:8 slope further limiting visibility. This entrance was clearly not compatible with the significant change of use.

- The proposal represented significant over-development of the site. It failed many Local Plan Policies in respecting/enhancing an area, space around buildings and maintaining road safety.

Oral representations from the applicant's agent in support of the application included the following points:-

- An application earlier in the year for a part three and part four storey block of 34 normal flats was refused by Members solely on the grounds of loss of specialist accommodation. It was not refused on grounds of bulk, height, massing or overdevelopment of the scheme.
- The architects had prepared a massing comparison plan which showed that the current scheme was of less height, massing and bulk than the previous scheme.
- There was a significant increase in the separation to the bungalows in Woodhead Drive from a 5m separation to 16 – 17m and a separation of around 23m between habitable room windows of the development and Tubbenden Close. The building would not project as far rearward as the south western projection of the existing building.
- In relation to the actual reason for refusal of the last scheme regarding the loss of specialist accommodation, the current application proposed 43 specialist units for the elderly, all to be provided as affordable rent units. The previous reason for refusal had therefore been addressed and overcome.
- The revised scheme also incorporated other changes previously discussed by Members in that electric vehicle charging points were proposed for all parking spaces and the changes made to the elderly persons' accommodation would significantly reduce traffic generation.
- It was currently a priority to increase housing supply in the Borough and this scheme would provide 43 additional older persons' units for which there was a recognised need. Moreover, it would provide 43 affordable housing units for which there was also a recognised need. The scheme now complied with Local Plan Policy 11 regarding specialist accommodation and Plan Policy 2 regarding affordable housing.
- This was a well-designed residential redevelopment scheme on a site which already had a sizeable building on it of a different character than its immediate neighbours. Members who had visited the site would have seen that there were some very large good quality trees around much of

the boundary of the site which integrated the existing building into its context. These trees were protected by TPOs and would be retained and there was no reason to believe that they would not provide an attractive screen and landscape setting to the new building.

- The proposal achieved the objectives of increasing housing supply, increasing affordable housing, increasing the supply of elderly persons' accommodation (and Bromley has the largest ageing population in London) and doing this through a scheme which was less bulky than that previously considered by Members but not objected on design or bulk grounds.

The applicant's agent confirmed that in relation to the protection and mitigation for badgers and bats, a control licence would need be obtained from Natural England.

The Development Management Team Leader gave the following updates:-

- Members were advised to consider the updated 5 year land supply when considering the application.
- On the Section 106 Heads of Terms tables, the amount of affordable housing secured should read 75% not 43 units. The reasons for this were outlined in the report.

Councillor Joel objected to the proposed development on the following grounds:-

- The scale, size and bulk of the development which was detrimental to the residential area.
- Over-dominance.
- Issues with overlooking contrary to that stated in paragraph 6.3.3 on page 123 of the report.
- The report acknowledged that the proposal was a bulkier form of development (paragraph 6.3.16, page 126).
- The massing comparison drawing on page 126 was totally misleading.
- The design was not complementary to the surrounding area.
- The scheme would cause difficulties for refuse vehicles.
- The proposal was clearly larger in scale.

For the reasons mentioned above, Councillor Joel moved that the application be refused.

The Chairman agreed that the proposed scheme was larger than the present site and asked officers how likely a refusal on the grounds of over-development would stand up at a future appeal. The Development Management Team Leader informed Members that if acceptable on balance, then the Council should optimise sites where possible. Appearance was held as a reserved matter.

Councillor Harris thanked officers for presenting a very informative report. The scheme was originally turned down due to the loss of specialist accommodation for the elderly and Bromley had the highest ageing population. No objections had been received from the Highways Department and she could see no reasons for refusing the application. Councillor Harris moved that the application be granted.

The Chairman referred to the design element of the building and asked if the applicant could be requested to soften the appearance. The Development Management Team Leader confirmed that appearance was a reserved matter and that things could be done to soften the building's appearance.

Members were informed that an energy strategy report demonstrated the development would achieve a 37.84% reduction of carbon emissions beyond the 2013 Building Regulations. Approximately 128 Photovoltaics (PVs) would be installed on the flat roof of the building. A carbon offset payment was also included in the Section 106 Agreement.

Councillor Allen seconded the motion to grant permission.

Councillor Joel acknowledged that Bromley needed to provide more elderly accommodation. His main concern was the size and bulk of the development. If this could be reduced, the proposals would get more support from local residents and Ward Councillors.

Councillor Owen seconded the motion for refusal.

**Having considered the report, objections and representations, Members  
RESOLVED that PERMISSION BE GRANTED SUBJECT TO THE PRIOR  
COMPLETION OF A SECTION 106 AGREEMENT as recommended and  
subject to the conditions and informatics set out in the report of the  
Assistant Director, Planning and Building Control.**

Councillor Mellor's vote against permission was noted.

**35 REPORTS FOR EXECUTIVE DECISION**

**35a BROMLEY BOROUGH COMMUNITY INFRASTRUCTURE LEVY –  
DRAFT CHARGING SCHEDULE CONSULTATION AND  
SUBMISSION**

**Report HPR2020/027**

Members were requested to consider the Bromley Community Infrastructure Levy Draft Charging Schedule for consultation and subsequent submission to the Secretary of State for independent examination. Once adopted, the Community Infrastructure Levy would provide financial contributions from certain types of development to help fund new or improved strategic infrastructure required to support the growth identified in the Bromley Local Plan.

Referring to Bromley's Draft Charging Schedule Rates set out on page 161 of the report, the Chairman asked what the other forms of development were that constituted a charge of £0 per sqm. The Head of Planning Policy and Strategy stated that all other forms of development not mentioned in the table i.e. pubs and restaurants would be £0 per sqm as a charge rate would not be viable for those types of development.

Councillor Bear asked how Bromley's rates compared with surrounding boroughs. The Head of Planning Policy and Strategy reported that CIL was introduced in 2011/2012 and over time viability had fluctuated. Charging rates of boroughs which had initiated CIL in 2013/14 would be different to those where CIL was introduced at a later date. Most had a £0 charge for other developments. Overall, Bromley would be on par with most other boroughs.

In response to Councillor Huntington-Thresher in relation to permitted development as a conversion, the Head of Planning Policy and Strategy reported that while CIL did apply to permitted development, the charge was usually £0. Councillor Huntington-Thresher suggested that freestanding blocks should be liable to pay CIL.

**RESOLVED that the Executive be recommended to approve the Community Infrastructure Levy Draft Charging Schedule for consultation and pending no changes following consultation, subsequent submission to the Secretary of State for independent examination (alongside all relevant supporting documents).**

**36 BROMLEY HOUSING TRAJECTORY 2020**

**Report HPR2020/28**

National planning policy required Local Planning Authorities to identify a supply of housing to provide a minimum of five years' worth of housing against their housing target. Bromley's five-year housing land supply

(FYHLS) position was agreed by the Development Control Committee in April 2019.

Members considered an updated housing trajectory covering the period from 1 April 2020 to 31 March 2025).

The report concluded that the Council could not demonstrate a FYHLS. Where a minimum of five years housing supply could not be demonstrated, the presumption in favour of sustainable development was triggered.

The Head of Planning Policy and Strategy stated that the Council was required to provide an update on the housing supply position on an annual basis. He referred to an appeal decision on land to the rear of the former Dylon International Premises in which the Planning Inspector had concluded that Bromley was unable to demonstrate a FYHLS.

Noting that the Council only had 3.31 years' supply for the period covering 2020/21 to 2024/25, the Chairman asked whether any further sites were likely to materialise in the near future. The Head of Planning Policy and Strategy referred to the appendix in the report which set out the current projected supply of sites, most of which were allocated in the adopted Local Plan. Any site coming forward would need to be deliverable as per the definition set out in the National Planning Policy Framework (NPPF). Further sites may be found when a review of the Local Plan was undertaken.

Councillor Allen referred to the NPPF (2019) which set out in paragraph 11 a presumption in favour of sustainable development and asked what practical steps could be taken to bring sites forward. The Head of Planning Policy and Strategy stated that while the housing supply position was given more weight, it did not outweigh the Local Plan; determining development applications was therefore, a balancing exercise.

Members were informed that the definition of 'deliverable' was solid evidence that a site would come forward in five years or that planning permission would be granted. The Planning Authority was not in control of applications submitted. The FYHLS did have a windfall position with various small sites coming forward.

Following discussion on mitigation, Members were informed that there was nothing the Council could do to bring sites forward except give more weight to the housing supply when considering planning applications; permitting more housing site applications was the only way to achieve the required supply.

**RESOLVED that the Bromley Housing Trajectory, including the updated five-year housing land supply position for the period 1 April 2020 – 31 March 2025 be agreed.**

Councillor Allen abstained from voting.

**37 PLANNING LEGISLATION UPDATE - PERMITTED DEVELOPMENT RIGHTS AND CHANGES TO THE USE CLASSES ORDER**

**HPR2020/29**

The Committee considered recently introduced Permitted Development (PD) rights which allowed blocks of flats to extend upwards by up to two storeys to provide new residential units. They also allowed existing office blocks to be demolished and rebuilt. Members were requested to approve various restrictions on the use of these PD rights in relation to a number of potential impacts.

The report also provided an update on changes to the Use Classes Order and an update on proposed future PD rights relating to 5G.

The Head of Planning Policy and Strategy acknowledged the significant changes which undermined the Local Plan, the full impact of which would not be known for a couple of years and could be quite severe.

A report considering the introduction of Article 4 Directions for building houses/flats in certain areas would be submitted to the DCC meeting in November.

Councillor Fawthrop raised concern in relation to the conversion of agricultural buildings to residential accommodation and moved that an Article 4 Direction be considered in regard to protecting the Green Belt. Councillor Fawthrop also moved that Article 4 Directions be brought in to protect bungalows from upwards extension as this type of accommodation was much sought after by the older population and those people wishing to downsize their property in later life. The Chairman seconded the motion.

**RESOLVED that the details of the new planning legislation and the discussion of potential impacts be noted and that consideration be given to the introduction of Article 4 Directions in regard to the conversion of agricultural buildings to residential accommodation and to protect bungalows from upwards extension.**

**38 'PLANNING FOR THE FUTURE' CONSULTATION**

Members considered the Council's proposed responses to the government's "Planning for the Future" consultation which sought views on each part of a package of proposals for "*reform of the planning system in England to streamline and modernise the planning process, improve outcomes on design and sustainability, reform developer contributions and ensure more land is available for development where it is needed*".

The Chairman confirmed that she had requested a copy of the full consultation document to be placed in the Members' room for all Councillors

to view. As yet, there was no copy in the Members' Room for Councillors to read and she asked if one could be placed there as soon as possible.

Councillor Fawthrop requested the response at Q5 (paragraph 3.11) draw the Government's attention to the importance of protecting Locally Listed Buildings and Areas of Special Residential Character. National Guidelines should not override these.

He also asked that the response include a statement to emphasise that when the Government implements the new proposals, Councils be given a 12-18 month delay to allow them to designate areas accordingly.

The Assistant Director, Planning and Building Control agreed to Councillor Fawthrop's requests.

Councillor Allen considered the proposals removed a significant amount of control from the Council; a duty to co-operate was still needed.

In relation to the 5-year housing supply, Councillor Allen was not sure that brownfield sites would help in the delivery of housing or guard against environmental concerns. However, she was satisfied that the Council was objecting in a constructive way in its response.

Councillor Huntington-Thresher raised the following points:-

- In its response, the Council should state that it supports a designation of renewal and while there was still a chance for a poorly designed scheme to go ahead, special circumstances would need to be provided.
- In terms of planning fees, it should be made clear that the Council needed to recover the costs of the planning authority.
- The Local Plan should be updated via supplementary documents.
- The Council was not able to confirm if CIL calculations were positive or not. The Authority could find itself in a position of not having enough CIL funding to cover new GP surgeries, public transport, crossings etc. The Council's response should, therefore, state that whatever is set by policy should deliver the Council with enough funds to cover infrastructure etc.

In relation to designations, the Chairman pointed out the considerable overlap between growth and renewal. The Assistant Director, Planning and Building Control stated there was not enough detail in the consultation and the proposed response was attempting to say that it was something the Council may support at a later date.

Councillor Owen suggested that the response include reference to the need for action to be taken where developers build without planning permission.

Councillor Owen also pointed out that many coming of the sites coming forward for development were small local sites. The Council should, therefore, be able to determine what is best for the borough.

The Assistant Director, Planning and Building Control agreed to incorporate Councillor Owen's suggested responses.

He also agreed to include a suggestion from Councillor Allen in relation to Question 26 to ensure that access to the consultation can be gained by disadvantaged people.

**RESOLVED that, subject to the inclusion of the suggestions above, that the Council's proposed responses to the Government's 'Planning for the Future' consultation be agreed.**

### **39 PLANNING TECHNICAL CONSULTATION**

The Government had published a technical consultation which would run from 6 August 2020 to 1 October 2020. The consultation proposed measures to improve the effectiveness of the current planning system (and was different from the fundamental reforms proposed in the Planning for the Future consultation which was the subject of a separate report on this agenda). This report proposed the Council's formal responses to the technical consultation.

Referring to the 'Delivering First Homes' section (page 488), Councillor Allen believed the concept of First Housing to be outdated. A good quality mix of all different shapes and sizes was required in terms of accommodation.

Councillor Allen did not support proposals for small to medium developments.

The Chairman stated that many young people still aspired to buy a property and therefore the provision of first housing was necessary.

The Assistant Director, Planning and Building Control stated that the responses given were based upon those previously submitted by the Council.

Councillor Huntington-Thresher alluded to the importance of self-builds but could see no mention of this within the consultation. The Head of Planning Policy and Strategy confirmed that self-build was exempt from CIL.

In relation to Question 3 (para. 3.4, page 488), the Head of Planning Policy and Strategy said it made sense to make sure people could afford to buy in the area in which they worked.

**RESOLVED that the proposed responses be agreed as the Council's formal response to the Government's August 2020 Planning Technical consultation.**

## 40 PETTS WOOD CONSERVATION AREAS

### Report HPR2020/30

This report contained an historic assessment of the Petts Wood Area of Special Residential Character (ASRC) prepared by specialist heritage consultants (BEAMS). The conclusions of the assessment would form the basis of a public consultation exercise seeking views on the designation of a new Conservation Area and the extension of an existing Conservation Area adjacent to the ASRC.

Councillor Fawthrop drew Members' attention to the report which referred to 'Ladywell Road' throughout; this should in fact read 'Ladywood Avenue'.

Having scrutinised the report, Councillor Fawthrop highlighted significant errors which can be viewed as Annex B to these Minutes.

The first photograph on page 499 of the BEAMS assessment was of The Covert. However, this road had not been included as part of the new Conservation Area. Councillor Fawthrop moved (and it was agreed) that The Covert covering the Noel Rees houses from Nos. 1-29, 2-48 but excluding 24-26b, be included as part of the new Conservation Area. An application for the installation of roof lights at No. 44 The Covert was dismissed at appeal and enforcement action was undertaken. The Inspector's report referred to the unique setting of The Covert and alluded to the design heritage of the Noel Rees houses. A copy of the appeal can be viewed as Annex C to these Minutes.

It was suggested that other clusters of Noel Rees houses such as those in Willett Way should also be included as they were important heritage assets.

Councillor Owen fully supported Councillor Fawthrop's suggestion adding that further areas could be included following consultation.

Members were informed that page 497 of the BEAMS report confirmed that churches would be considered as a separate matter. Article 4 Directions for locally listed buildings were currently being considered.

The Head of Planning Policy and Strategy agreed to consider the inclusion of The Covert in the new proposed Conservation Area. He also confirmed that as this was a consultation, if Members wished to put forward other areas for consideration, they were at liberty to do so.

While Councillor Allen raised no objections to Conservation Areas, she was shocked to note the budget allocation and for this reason, found it difficult to support the recommendations.

Councillor Stevens emphasised that the Council must make it clear that members of the public were required to give precise details and justification as to why suggested areas should be included in the new Conservation Area.

Councillor Brooks supported the statement made by Councillor Allen in relation to associated costs. There were Conservation Areas in most wards so potentially all of these may want to be extended too; this would be a costly exercise.

Councillor Onslow stated that Petts Wood was known as a 'garden suburb' and was a unique Conservation Area.

**RESOLVED that:-**

- 1. the historic area assessment report on the Petts Wood Area of Special Residential Character be noted;**
- 2. a public consultation exercise be undertaken to seek views on proposals to:-**
  - extend the Chislehurst Road Conservation Area to include Birchwood Road to the west and Chislehurst Road, Ladywood Avenue and Princes Avenue to the south;**
  - create a new Conservation Area of The Thrifts; and**
- 3. The Covert covering the Noel Rees houses from Nos. 1-29, 2-48 but excluding 24-26b, be included as part of the new Conservation Area.**

**41 COUNCILLOR PLANNING APPLICATION 'CALL-INS'**

Members were provided with information relating to Councillor 'call-ins' for planning applications which were reported to the Committee on a regular basis.

The report included data for 2019 and the first six months of 2020. Most call-ins related to applications in Petts Wood; this was closely followed by applications in Chislehurst Ward.

The Assistant Director, Planning and Building Control agreed to check the data given for Darwin Ward (specifically those applications overturned at Committee) and report back to Councillor Scoates.

**RESOLVED that the report be noted.**

The meeting ended at 8.45 pm

Chairman

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# Minute Annex

A

## QUESTIONS SUBMITTED TO THE CHAIRMAN OF DCC FOR WRITTEN RESPONSE

### Question 1: From Mr Clive Lees, Chairman, Ravensbourne Valley Residents

How is the preparation/writing/consultation of the proposed Supplementary Planning Documents for Bromley and Orpington Town Centres being funded?

#### Chairman's Response

From the existing Planning Policy and Strategy budget, with an additional budget of up to £50k for consultancy services if required, funded from the Growth Fund.

### Question 2: From Mr Clive Lees, Chairman, Ravensbourne Valley Residents

Would the Council consider making it a requirement that all developments must have a Planning Condition that the Code of Practice must be followed in order to prevent particulate and other pollution arising from construction sites?

#### Chairman's Response

Government advice on planning conditions (<https://www.gov.uk/guidance/use-of-planning-conditions>) is: "*Conditions requiring compliance with other regulatory requirements (eg Building Regulations, Environmental Protection Act): Conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning. Use of informatics to remind the applicant to obtain further planning approvals and other consents may be more appropriate.*" We would be happy to consider informatics for development which is considered a risk for such pollution as an alternative.

Unlike planning conditions, an informative is not legally binding in that the applicant does not have to abide by it.

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### **PETTS WOOD HISTORIC AREA ASSESSMENT**

#### **Submitted by Councillor Simon Fawthrop**

The following typographic errors relate to road names in Petts Wood. Can these be corrected please?

Page 1 – Architectural interest 3<sup>rd</sup> line down should read Hazelmere Road, 11<sup>th</sup> line down should read Willett Way

Page 2 - Fig.10 – should read Woodland Way

Fig.16 – should read Towncourt Crescent

Page 8 – 1<sup>st</sup> paragraph line 4 should read Petts Wood Road; line 6 should read Willett Way; line 8 should read Woodland Way

2<sup>nd</sup> paragraph lines 1/2 should read Willett Way

3<sup>rd</sup> paragraph line 1 should read Woodland Way; line 3 should read Silverdale Road, Manor Way and Towncourt Crescent

Page 9 – 2<sup>nd</sup> paragraph line 2 should read Woodland Way

3<sup>rd</sup> paragraph line 2 should read Willett Recreation Ground

4<sup>th</sup> paragraph line 5 should read Willett Close

Page 13 – Paragraph 5 line 2 should read Manor Way; line 7 should read Willett Way

Page 14 – Paragraph 2 line 6 should read ‘north of the Petts Wood Road junction’; paragraph 3 line 3 should read Willett Way

Page 21 – Section 1 title should read Willett Way

Page 32 – Figs.39 & 40 should read Willett Way

Page 37- Section 2 should read Ladywood Avenue

Page 39 – Recommendation point 1 line 2 should read Ladywood Avenue

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The following relate to typos in developer/builders' names. Could these be corrected?

Page 12 – Paragraph 4 line 3 should read William Willett

Page 14 – Top paragraph line 2, as above for page 12

Page 16 – Paragraph 4 line 7 should read Noel Rees

Page 17 – Birchwood Road section line 6 should read W H Love

Page 19 – Paragraph 5 line 3 and paragraph 6 line 1 should read Noel Rees

Page 20 – Paragraph 1 line 1 should read Noel Rees; paragraph 8 line 3 should read Noel Rees

Page 37 – Princes Avenue section line 1 should read Noel Rees

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# Appeal Decision

Site visit made on 20 May 2019

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23<sup>rd</sup> May 2019

**Appeal Ref: APP/G5180/D/19/3222670**

**44 The Covert, Petts Wood, Orpington BR6 0BU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs K Moller against the decision of the Council of the London Borough of Bromley.
- The application Ref DC/18/05356/FULL6, dated 26 November 2018, was refused by notice dated 5 February 2019.
- The development proposed is a velux type roof window to front elevation.

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The development has been carried out and I am considering this appeal retrospectively.

### Main Issue

3. This is the effect of the development on the character and appearance of the area, with regard to the Petts Wood Area of Special Residential Character.

### Reasons

4. The property is a 1930's 2 storey semi-detached dwelling located in the Petts Wood Area of Special Residential Character (ASRC). Prior to the development, the dwelling was symmetrical to its adjoining pair, containing a gable front projecting from a dual pitched roof, with flared eaves and elaborate porch supported on dark wooden beams. Detailing on the dwelling is typical of the time, and the Council, along with interested parties including a resident's association, assert the dwellings were built by Noel Rees, a notable designer of the time in the Petts Wood area.
5. The area has a unique, verdant, picturesque appearance and well-preserved spacious character, indicative of a high quality early 20<sup>th</sup> century garden suburb. The consistency in the front elevation roof lines is largely untouched by roof extensions or conversions and the symmetry between pairs of houses is of importance in defining the character of the area.
6. The roof light has been inserted in the front roof slope. It is located near to the ridge and in the middle of this section of roof, projecting conspicuously. Owing to the design of the dwellings, this roof form is large, sweeping and a prominent feature of the house. It was also identical to its pair.

7. The effect of the roof light, whilst being relatively small, has disrupted the roof slope and caused imbalance to the pair of dwellings. Its projection appears awkward, overly modern and incongruous. Owing to this unique setting, it does not respect, enhance and strengthen the special and distinctive qualities of the ASRC.
8. Within the street scene of The Covert, I observed one other roof light to the front elevation at No 8. However, it appears this was granted planning permission before the adoption of the Bromley Local Plan (January 2019) (LP). Furthermore, No 8 is detached and there were also more modern dwellings nearby. Therefore, its setting is very different to the appeal dwelling, as is the setting of other roof lights on different streets.
9. Additionally, an Article 4 Direction is in place for the ASRC, removing the permitted development right to insert roof lights to the front elevation, and it is clear the Council seeks to control the insertion of roof lights. This matter weighs considerably on my mind, as whilst each proposal is considered upon its own merits, allowing this appeal would set a precedent for other roof lights in the street. This could lead to further imbalance between semi-detached dwellings and undermine the quality and unspoilt nature of the ASRC.
10. Consequently, the development has an unacceptable effect on the character and appearance of the ASRC. This conflicts with Policies 6, 37 and 44 of the LP, which together seek to ensure developments are of a high standard of design and respect, enhance and strengthen the special and distinctive qualities of Areas of Special Residential Character, positively contributing to the existing street scene.

### **Conclusion**

11. For the reasons set out above, I conclude that the appeal should be dismissed.

*Katie McDonald*

INSPECTOR