

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 6.30 pm on 19 November 2020

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,
Charles Joel, Russell Mellor, Tony Owen, Angela Page,
Richard Scoates, Melanie Stevens and Michael Turner

Also Present:

Councillors Kieran Terry and Pauline Tunnicliffe

50 PROPOSED NON-IMMEDIATE ARTICLE 4 DIRECTIONS TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR UPWARDS EXTENSIONS IN SPECIFIED AREAS

REPORT HPR2020/040

Members considered whether 15 non-immediate Article 4 Directions should be made to withdraw permitted development rights (PDRs) which allowed blocks of flats to be extended upwards by up to two storeys to provide new residential units. The Directions would apply to the 13 Areas of Special Residential Character shown in the Bromley Local Plan (January 2019) and to two discrete areas which fell within local views. The Directions would come into force 12 months from the date the Directions were made, subject to confirmation by the Renewal, Recreation and Housing Portfolio Holder.

Councillor Fawthrop suggested that as there was only one block of flats in the Petts Wood Area of Special Residential Character (ASRC) which was located on the ASRC boundary, the Petts Wood Article 4 Direction could be made immediately. The Head of Planning Policy and Strategy explained that the proposed Article 4 Direction also applied to dwelling houses that were two or more storeys high. While the Article 4 Direction could be made immediately, he was concerned that this would raise the risk of the Council having to pay costly compensation. He confirmed that properties built prior to 1948 were exempt. As the majority of properties were built prior to that date, Councillor Fawthrop proposed that the Article 4 Direction for Petts Wood be made immediately. Councillor Mellor agreed that there was a valid case for making immediate Directions and seconded the motion

The Head of Planning Policy and Strategy agreed to consult with the legal team in regard to the risk of compensation.

Members RESOLVED:-

- 1) to endorse the making of 14 non-immediate Article 4 Directions (covering the areas shown in the plan attached at Appendix 1 except for the Petts Wood ASRC) to withdraw the following permitted development rights granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the GPDO”), Schedule 2:
 - Part 1, Class AA
 - Part 20, Class A
 - Part 20, Class AA
 - Part 20, Class AB
 - Part 20, Class AC
 - Part 20, Class AD
- 2) to note that the Portfolio Holder for Renewal, Recreation and Housing would be asked to authorise the making of 14 non-immediate Directions and subsequent public consultation for a period of 6 weeks. The Directions would come into force 12 months from the day on which they were made if they were subsequently confirmed following public consultation. Any confirmation of the Directions would be subject to a future decision.
- 3) to endorse the making of one immediate Article 4 Direction (covering the Petts Wood ASRC) to withdraw the following permitted development rights granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the GPDO”), Schedule 2:
 - Part 1, Class AA
 - Part 20, Class A
 - Part 20, Class AA
 - Part 20, Class AB
 - Part 20, Class AC
 - Part 20, Class AD
- 4) to note that the Portfolio Holder for Renewal, Recreation and Housing would be asked to authorise the making of one immediate Direction for the Petts Wood ASRC.

Following the meeting, the Head of Planning Policy and Strategy checked the regulations and noted that they did not allow an immediate Direction to be put in place for the new Part 20 PD rights. They did however, allow for immediate

Directions relating to Part 1 PD rights, so an immediate Direction to remove Part 1, Class AA PD rights in the Petts Wood ASRC could be made.

As the making of the Directions was a Portfolio Holder decision, it was recommended that an addendum be added to the report submitted to the Portfolio Holder explaining the situation and recommending that a non-immediate Direction for Petts Wood ASRC be put in place to remove Part 20 PD rights and an immediate Direction to remove Part 1 PD rights in the Petts Wood ASRC. Non-immediate Directions would be made to cover the remaining ASRCs and views proposed in the report and agreed by the Committee.