

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 11 January 2022

Present:

Councillor Yvonne Bear (Vice-Chair, in the Chair)
Councillors Vanessa Allen, Julian Benington, Katy Boughey,
Peter Dean, Will Harmer, Christine Harris, Colin Hitchins,
Samaris Huntington-Thresher, William Huntington-Thresher,
Charles Joel, Josh King, Tony Owen, Richard Scoates and
Michael Turner

Also Present:

Councillors Alexa Michael (via conference call)

79 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Michael, Fawthrop and Terry. Councillor Harmer attended as substitute for Councillor Terry. The Committee noted that whilst the Chairman, Councillor Alexa Michael had been unable to join the meeting in person, she had joined via conference call and would be able to comment and ask questions, but would not vote on any items.

80 DECLARATIONS OF INTEREST

There were no additional declarations of interest.

81 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

23 questions for oral and written response were received and these are attached at Appendix A.

Noting that a large number of questions related to a recent application that had been submitted for the Walnuts site in Orpington, the Chairman provided some context to the current position of the application.

An application had been received, just before Christmas, for the development of the Walnuts. On receipt of an application various stages had to be completed the first of which was validation (checking that all the necessary documents had been received and that all fees had been paid). The application was currently still in that process. Consequently, until that phase had been complete, no analysis or assessment of the merits or failings of the

application would take place. The validation process should end soon and once it did the application would be available on the Council's Planning Portal and at that point interested parties would have an opportunity to input comments. Only after the public consultation was completed, an assessment of the application as submitted undertaken, and any further discussions with the applicant finalised would an application be presented to the Development Control Committee for consideration and decision. This could take several months.

82 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 2 NOVEMBER 2021 AND 1 DECEMBER 2021

The minutes of the meetings held on 2 November 2021, and 1 December 2021, were agreed and signed as a correct record.

83 MATTERS OUTSTANDING FROM PREVIOUS MINUTES
Report CSD22004

The Committee noted progress against actions outstanding from previous meetings. The Chairman confirmed that the Shop Front Design guides had been published on the website and the outstanding action was complete.

84 PLANNING APPLICATION (21/03231/FULL1) - 70 HIGH STREET, BROMLEY, BR1 1EG (Bromley Town Ward)

Description of application – Demolition of existing buildings (66-70 High Street) and erection of a part 13 and part 16 storey building to provide 559 sqm (GIA) retail floorspace (Use Class Ea) and 68 residential units with associated disabled car parking spaces, cycle parking and refuse storage area.

The Planning Officer gave a brief presentation, providing an overview of the application and update on the report.

The Committee noted that the application was up for non-determination and the reasons were set out in the report. There was a possibility that during the appeal process further information could be supplied to address these and Officers were therefore requesting authority to remove the relevant reasons to contest the appeal in the event that agreement was reached.

The Committee further noted that final comments from the Health and Safety Executive concerning fire safety were still awaited. Officers were therefore asking for further authority to add any additional reasons to contest the appeal.

In response to a question from the Chairman, the Planning Officer explained that it had not been possible to determine the application because further information was required. Information was received in December 2021, however, at that point it was not possible to make a recommendation.

Committee Member and Ward Member Councillor Will Harmer expressed concerns around how the Council founds itself in a position where it was essentially taken out of the decision-making process by an applicant going to appeal who could then add the additional documents that had initially been sought by the Council to enable the Appeal inspector to make a more informed decision. Concerns were expressed that a precedent could be set in the future. Questions were raised about why the application was not refused at the 13 week point when the relevant information was not supplied.

It was noted that there were a number of reasons for refusal listed in the report. It was a poor application that lacked on many fronts. Councillor Harmer therefore moved the Officer recommendation that the appeal be contested for the reasons set out in the report.

The Planning Officer confirmed that it was common that during the appeal process further information was submitted, and agreement reached. The Council would also have to be seen to be reasonable if an issue could be resolved without it being heard at appeal this could prevent costs in certain circumstances. In terms of the receipt of information within the 13-week period, some statutory consultees requested further information and it was good practice to allow time for that information in order to resolve all issues and make an informed decision. At the validation stage it may not be clear that some information was not included in documents. It was only possible to validate what was on the local list and the local list had now been revised.

In response to a question, the Planning Officer confirmed that the timetable for the appeal concerning the previous application was not yet known.

Councillor Michael highlighted that were the Committee considering a decision on this planning application there were a myriad of reasons for refusal. As this option was not open to the Committee, Councillor Michael suggested that the correct course of action was to resolve to contest the appeal on the grounds set out in the Officer's report.

It was noted that Councillor Will Harmer had moved that the Officer recommendation that the appeal be contested for the reasons set out in the report. The motion was seconded by Councillor Yvonne Bear, put to the vote and CARRIED.

Members having considered the report, objections and representations, RESOLVED to CONTEST THE APPEAL for the reason set out in the report of the Assistant Director, Planning.

85 PLANNING SERVICE IMPROVEMENTS

The report set out the current position in respect of continuous service improvements to the Planning Service and sought agreement for recommended actions.

The Chairman noted that the Local Planning Protocol was an evolving document to reflect continuous improvements in planning processes. The Committee noted that the most recent recommendations would enable the Council to have a robust protocol and process around its Planning Committees.

Councillor Allen reported that the sections of the report concerning ethical standards had been discussed at Standards Committee the previous evening where the recommendations had been endorsed.

In response to a question concerning whether the Council remained at risk of designation, the Assistant Director for Planning confirmed that the latest check showed that Bromley was not currently in the criteria, however that may be because of delays in the appeals process resulting from the recent lockdowns. There was therefore no room for complacency.

In response to a question, the Assistant Director confirmed that the recommendations concerning the inability of “Calling In” Members to move and second motions would also apply to any substitute members on the Committee.

Councillor Michael proposed two small amendments to paragraph 3.13 (Recommendations 9&10):

For question 3 – application reference number –an added requirement for the Member to give a brief description.

An additional question: *Do you need to declare any interests?*

The Committee endorsed the proposed changes.

Members noted that it was not possible for a Councillor to Call-in an application in another ward, unless they had the agreement of the relevant ward councillors.

In respect of the issue of Pre-application discussions with applicants, the Assistant Director for Planning, confirmed that there was usually a confidentiality agreement in respect of such discussions. It could be possible for ward members to engage, but only with the agreement of the applicant.

RESOLVED: That:

- 1. Actions as recommended against each item in the table in Section 3.4 of the report be agreed;**
- 2. The recommendations of the Standards Committee from July 2021 in Section 3.5 of the report be agreed;**
- 3. The related changes to the Scheme of Delegation in Section 3.7 of the report be agreed**

- 4. The related changes to the Local Planning Protocol in Sections 3.8 – 3.12 of the report be agreed subject to the amendments outlined above;**
- 5. The creation of an online form for planning ‘call in’ requests as set out in Section 3.13 of the report with the two amendments proposed by Councillor Michael be agreed;**
- 6. The non-related amendment to the Scheme of Delegation set out in paragraph 3.14 of the report be agreed;**
- 7. The change to weekly list procedures set out in paragraph 3.15 of the report be agreed**
- 8. That resolutions 3,4 and 6 above be considered by Full Council.**

**86 ORPINGTON TOWN CENTRE SUPPLEMENTARY PLANNING
DOCUMENT – CONSULTATION DRAFT
Report HPR2021/067**

The report recommended that the revised Orpington Town Centre Supplementary Planning Document (SPD) was published for six weeks public consultation. The SPD provided guidance to assist with the determination of planning applications in the Orpington Town Centre area, including guidance on design requirements. Following the consultation period, the draft would return to Committee for adoption.

In opening the discussion, the Chairman noted that the purpose of the document was to give some guidelines around development in Orpington Town Centre, it did not have legal weight in its own right but once approved would be a planning consideration when applications were considered. When the Local Plan was revised in 2024 it was expected that much of the supplementary planning document would be uplifted into a revised Local Plan.

Committee Member and local Ward Councillor William Huntington-Thresher highlighted that it would be helpful to have a document offering guidelines for anyone considering investing in the town centre. It was noted that there was further work to be undertaken on the document although the full consultation should be progressed. Noting that there were a lot of people who were interested, it was suggested that the consultation period should be extended beyond 6 weeks. In addition, it was suggested that SPD Note 12 should be modified to require that there should be no reduction in parking at development sites

Councillor Huntington-Thresher moved that the draft Orpington Town Centre Supplementary Planning Document be endorsed for public consultation with consideration being given to extending the consultation beyond 6 weeks and an amendment to SPD Note 12 to suggested that there should be no reduction in parking at development sites.

The Committee noted with disappointment the low response rate to the initial consultation. Members also expressed concern at the processes that had been followed, noting that whilst Orpington Ward Councillors may have been consulted over a number of months, councillors from surrounding wards had no knowledge of the consultation. The need to build the confidence of local residents was highlighted and there was agreement that the consultation period should be extended to give all interested parties the opportunity to engage. It was noted that with the current Covid situation it would be difficult to engage with local residents' associations and provide a response within 6 weeks. It was also important that local residents felt that they had a genuine input into the process. It was therefore appropriate to have at least a 12-week consultation period.

Members highlighted that there were many aspects of the consultation that required further clarity.

In response to a question concerning the implication of purdah, the Legal Advisor to the Committee advised that the consultation could start before the start of purdah and could continue during the pre-election period as it would be considered to be continuing with normal council business.

The Committee sought assurances around the consultation that would be taking place. It was highlighted that more elected Members needed to be consulted and given the opportunity to discuss issues with local residents' associations. It would also be helpful to engage with the Council's Public Affairs Team in order to generate wider publicity for the consultation.

It was noted that on 18 March 2020, a paper was scheduled to be considered by the Development Control Committee, although as a result of the pandemic the item was deferred. However, Members of the Committee at that time would have received a copy of the report and therefore been aware of the proposals to consult on the SPD. The Head of Planning Policy and Strategy further confirmed that an online portal had been used to facilitate the consultation and details had been published on the Council's website. In addition, presentations had been given at meetings of the Bromley Economic Partnership and information had been distributed through the Orpington Business Improvement District and the Council's planning policy mailing list which included the residents' associations across Orpington and other parts of the Borough.

The Chairman proposed that

- (1) the draft Orpington Town Centre Supplementary Planning Document be endorsed for twelve weeks' public consultation, noting that there may be further minor amendments prior to consultation.
- (2) A communications plan, setting out proposals for consultation with all local ward members, be presented to the Renewal, Recreation and Housing PDS Committee on 26 January 2022.

The motion was seconded by Councillor William Huntington-Thresher, put to the vote and CARRIED.

RESOLVED: That:

- 1. The draft Orpington Town Centre Supplementary Planning Document (shown at Appendix 1) be endorsed for twelve weeks public consultation, noting that there may be further minor amendments prior to consultation.**
- 2. A proposed communications plan, setting out proposals for consultation with all local ward members, be presented to the Renewal, Recreation and Housing Policy Development and Scrutiny Committee on 26 January 2022 for pre-decision scrutiny.**

**87 UPDATE OF THE PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT – CONSULTATION DRAFT
Report HPR2021/066**

The report recommended that the revised Planning Obligations Supplementary Planning Document (SPD) was published for six weeks public consultation. The SPD was an update of the current SPD which was adopted in 2010. The update was necessary to reflect changes following the adoption of the Bromley Community Infrastructure Levy (CIL) and changes to national, regional and local planning policy since 2010.

RESOLVED: That:

- 1. The draft Planning Obligations Supplementary Planning Document (shown at Appendix 1) be endorsed for six weeks public consultation, noting that there may be further minor amendments prior to consultation.**
- 2. The matter be referred to the Renewal, Recreation and Housing Policy Development and Scrutiny Committee for pre-decision scrutiny.**

**88 CONFIRMATION OF ARTICLE 4 DIRECTIONS TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR UPWARDS EXTENSIONS IN SPECIFIED AREAS
Report HPR2021/068**

The report recommended that the Council confirmed 16 non-immediate Article 4 Directions to withdraw permitted development (PD) rights which allowed certain buildings to extend upwards by up to two storeys to provide new or extended residential units. These Directions would apply to the 13 Areas of Special Residential Character as shown in the Bromley Local Plan (January 2019); and to three discrete areas which fall within local views.

The areas selected for the Directions were areas which add significant character and distinctiveness, linked to adopted policy in the adopted Local Plan. The Article 4 Directions would help to protect this character and distinctiveness which is a positive benefit for local amenity.

In line with the requirements of legislation, representations on the proposed Directions were sought. The Council was required to take into account any representations made before it confirmed the Article 4 Directions. Two representations were received, both in support of specific Directions. If confirmed, the Directions would come into force on 15 March 2022.

RESOLVED: That:

- 1. The confirmation of 16 non-immediate Article 4 Directions to withdraw various permitted development rights granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the GPDO”), Schedule 2, Part 1 and Part 20. The areas covered by the Directions are shown on the maps at Appendix 1 and Appendix 2 be endorsed;**
- 2. The matter be referred to the Renewal, Recreation and Housing Policy Development and Scrutiny Committee for pre-decision scrutiny; and**
- 3. It be noted that the Portfolio Holder for Renewal, Recreation and Housing will be asked to confirm the 16 non-immediate Directions covering the areas shown on the maps at Appendix 1 and Appendix 2, to come into force on 15 March 2022.**

89 CONFIRMATION OF ARTICLE 4 DIRECTIONS TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR OFFICE TO RESIDENTIAL DEMOLITION IN BROMLEY’S DESIGNATED OFFICE AND INDUSTRIAL AREAS
Report HPR2021/069

The report recommended that the Council confirmed 18 non-immediate Article 4 Directions to withdraw permitted development (PD) rights which allowed the demolition of purpose-built detached buildings used for offices (within former B1a office, B1b research and B1c light industrial uses) together with their replacement with a single detached block of flats or a single dwelling house. These Directions would apply to the three Business Improvement Areas (BIA) in Bromley Town Centre; Strategic Industrial Locations (SIL); the majority of Locally Significant Industrial Sites (LSIS); and all three Office Clusters, all as shown in the Bromley Local Plan (January 2019).

The areas selected for the Directions were key areas for the retention and promotion of offices, research and light industrial uses. The Article 4 Directions would accompany the existing Directions which removed Part 3, Class O office to residential PD rights within the Business Improvement Areas and three Office Clusters. It was considered expedient to restrict the operation

of the new office to residential demolition PD right in the key areas outlined above due to the strategic importance of these designated areas. The Directions would thereby avoid harmful impacts upon economic development and ensure any development within the areas was properly planned in line with the policies in the adopted Local Plan.

In line with the requirements of legislation, representations on the proposed Directions were sought. The Council was required take into account any representations made before it confirmed the Article 4 Directions. One representation was received, which made general comments on the Direction covering the Franklin Industrial Estate LSIS, specifically noting numerous benefits of the existing concentration of businesses in the area and the need to protect these. If confirmed, the Directions would come into force on 11 May 2022.

Councillor William Huntington-Thresher questioned why the directions only related to the demolition of offices, as there is also a risk of existing offices converting to residential use with no demolition needed. The Head of Planning Policy and Strategy confirmed that the PD rights which allow demolition were separate to other PD rights which allow conversion, and that Article 4 Directions were already in place to remove these other PD rights in certain parts of the borough.

Councillor Alexa Michael urged the Committee to confirm the 18 non-immediate Article 4 Directions. As a Borough Bromley needed to be seen to be taking its office and industrial spaces very seriously in order to benefit the local economy. It was also suggested that this and the Article 4 Directions in Minute 88 should be widely publicised.

RESOLVED: That:

- 1. The confirmation of 18 non-immediate Article 4 Directions to withdraw PD rights granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the GPDO”), Schedule 2, Part 20, Class ZA be endorsed. The areas covered by the Directions are shown on the map at Appendix 1.**
- 2. The matter be referred to the Renewal, Recreation and Housing Policy Development and Scrutiny Committee for pre-decision scrutiny.**
- 3. It be noted that the Portfolio Holder for Renewal, Recreation and Housing will be asked to confirm the 18 non-immediate Directions covering the areas shown on the map at Appendix 1, to come into force on 11 May 2022.**

90 UPDATE ON HOUSES IN MULTIPLE OCCUPATION
Report HPR2021/070

The report provided an update on evidence relating to Houses of Multiple Occupation (HMOs) in the Borough, following a report to Development Control Committee, Renewal, Recreation and Housing Policy Development and Scrutiny Committee and Executive in summer 2021.

At the meeting of 15 July 2021, Executive authorised the making of two Article 4 Directions to remove C3 to C4 permitted development (PD) rights; an immediate Direction covering Biggin Hill and Darwin wards, and a non-immediate Direction covering the rest of the Borough. The immediate Direction must be confirmed by 28 February 2021 in order to remain in force after this date, while the non-immediate Direction must be confirmed before 1 September in order for it to come into effect.

The report summarised the current evidence available in relation to HMOs in the Borough, and considered that there was not sufficient justification to confirm either of the Directions, in line with the requirements of national planning policy and guidance.

Noting that the Officer's recommendation, based on the lack of empirical evidence of the quantum of HMOs in the Borough, was that the Article 4 Directions were not confirmed, the Chairman noted that this was not consistent with the experience of local ward councillors who were seeing a greater volume of HMOs beginning to appear. Acknowledging the difficulties that Officers may have in identifying the hard evidence, the Chairman proposed that the Committee recommend that the Article 4 Directions be confirmed.

The Committee noted that a number of neighbouring boroughs and boroughs across London had Article 4 Directions for HMOs in place and there was extended control over HMOs in all neighbouring boroughs. A Member highlighted the need for HMOs to be planned for and for Committees to consider applications. It was further noted that information on the 2021 Census may be delayed, and equally, if there were houses that were planned to be converted into HMOs after the Census was conducted, they would not show up in the census data.

The Committee noted that the Portfolio Holder would be required to confirm both the immediate and non-immediate Article 4 Directions following pre-decision scrutiny by the Renewal, Recreation and Housing PDS Committee.

The Chairman moved that the Portfolio Holder for Renewal, Recreation and Housing be recommended to confirm both the immediate Article 4 Direction covering Biggin Hill and Darwin wards and non-immediate Article 4 Direction covering all wards of the Borough with the exception of Biggin Hill and Darwin. The motion was seconded by Councillor Harmer, put to the vote and CARRIED.

RESOLVED: That

- 1. The updated evidence relating to HMOs set out in this report, which supplements the May 2021 evidence base document at Appendix 1 be noted;**
- 2. The Portfolio Holder for Renewal, Recreation and Housing be recommended to confirm the immediate Article 4 Direction covering Biggin Hill and Darwin wards.**
- 3. The Portfolio Holder for Renewal, Recreation and Housing be recommended to confirm the non-immediate Article 4 Direction covering all wards of the Borough with the exception of Biggin Hill and Darwin.**

The Meeting ended at 9.06 pm

Chairman

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**DEVELOPMENT CONTROL COMMITTEE
11 JANUARY 2022**

THE FOLLOWING QUESTIONS HAVE BEEN SUBMITTED FOR ORAL REPLY

1. From Mr Stuart Mayer (to be asked by Ms Tara Swift on Mr Mayer's behalf)

The London Plan states that a developments density should be proportionate the sites connectivity to jobs and service. The Walnuts site has a PTAL rating of 4 while Lewisham and Croydon have PTALs 6b. Would the committee agree that any development of a similar density to these towns would be inappropriate here?

Reply:

A planning application for the redevelopment of the Walnuts has been submitted.

The application has not yet been validated and is not therefore yet subject of any formal view or decision by Officers or Development Control Committee and this stage will come much later following consultation and assessment when an Officer report will be presented to the committee for their consideration of the application.

This and any other application for redevelopment in Orpington Town Centre will be considered with regard to current planning policies at that time including those in the London Plan and the Bromley Local Plan relating to density and its relationship to transport accessibility.

Supplementary Question:

During the consultation with the applicant, questions have been raised concerning the number of towers and their heights and varying answers have been provided or none at all. In accordance with the plans, how many towers will there be and what are their heights?

Reply:

The plans will be uploaded onto the Planning Portal when the application has been validated and that will show exactly what has been submitted – everything will be available to view including floor plans and elevations. The Committee has not yet had sight of the plans.

2. From Mr John Pead

Would the 19 story buildings in the proposed Walnuts development impinge on the 2 "views of local importance" listed in the local plan at Crofton Road and at Chelsfield Green?

Reply:

A planning application for the redevelopment of the Walnuts has been submitted.

The application has not yet been validated and is not therefore yet subject of any formal view or decision by Officers or Development Control Committee and this stage will come much later following consultation and assessment when an Officer report will be presented to the committee for their consideration of the application. This will include assessment against current planning policies including those relating to views of local importance.

Supplementary Question:

The Local Plan requires that building development in Orpington enhances the local view. How is it envisaged that buildings significantly higher than any others nearby will enhance the local view? In the Newshopper something was put forward for local response – for those who live in the immediate area of the development. How does that fit into the responses that have been provided this evening as something is being processed, something is acknowledged?

Reply:

The assessment has not yet been undertaken to determine whether this will create harm or not create harm but that assessment will be part of processing this application. There have been a number of consultations and the developer has undertaken their own consultation – there has been a roadshow throughout Orpington and the surrounding area. The Newshopper may have done something as well, there is awareness that the local MP is currently doing something, but the bottom line is that the public consultation which will be taken into consideration in the assessment will open once the application has been validated and has been uploaded onto the Planning Portal

3. From Ms Paula Peters

1. The current lift access in the walnuts Car park is not accessible for disabled people using mobility equipment like power wheelchairs and mobility scooters which require a turning circle to enter & reverse safely. Are the plans going to provide bigger accessible lifts for the walnuts car park?
2. To comply with Fire Safety Regs and the Equalities Act of 2010 will the developers install fire exit signs and buttons in British Sign Language as there are disabled people where BSL is their first language for the Saxon day centre and residential buildings?

Reply:

Redevelopment proposals would need to accord with the current legislation in respect of accessibility, disability, equalities and fire safety, however planning policies and decisions do not exist to duplicate the requirements of other legislation and therefore these issues may not be planning considerations, however where they are they will be assessed against the development plan once the application is validated and ready to be considered.

4. Mr Andrew Stotesbury

Will this committee provide full disclosure and details of any: contracts, contact, arrangements, and accommodations between anyone within Bromley Council and Areli including: anyone within their payment or influence? To include: meetings and records, details of any 'ad-hoc' contacts, discussions, and documentation. If not then provide comprehensive details why?

Reply:

Such a request would need to be handled in line with the Freedom of Information Act 2000 on receipt of a valid Freedom of Information Request.

Supplementary Question:

The local councillors in the Orpington area have given this development their blessing and their acceptance. How can this be done when there has not been a formal application on the table?

Reply:

We are all entitled to our own individual opinions but of the three Orpington councillors only one is a Member of this committee and able to vote on this committee and it is essential that all Members of the Committee, consistent with our Planning Protocol approach every application on its merits and do not predetermine that application. Until such time as we actually see the application, we should not be forming an opinion. I am confident that the one colleague on this committee who is an Orpington councillor will abide by the Planning Protocol.

Councillor William Huntington-Thresher (Orpington Ward), confirmed that , depending on when the application was presented to the Committee for consideration and should he remain a councillor and still be on the committee, he would remain, as was required under Probity in Planning, open to persuasion all the way through the process and including at the Committee meeting where the application was considered.

THE FOLLOWING QUESTIONS HAVE BEEN SUBMITTED FOR WRITTEN REPLY

1. From Mr Paul Summers

Is and if so how is Bromley Council paying due regard to safe accessible cycling and walking routes, good quality public transport sited close to key services when it comes to housing development planning policy?

Reply:

The Bromley Local Plan and the London Plan set out a range of planning policies which aim to ensure good access to sustainable transport. For example, policy 31 of the Local Plan which states that any new development likely to be a significant generator of travel should be located in positions accessible or capable of being made accessible by a range of transport modes, including public transport, walking and cycling; and policy T2 of the London Plan which requires development proposals to deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling. The Local Plan and London Plan are the key documents used to assess planning applications in the Borough.

2. From Mr Steve Wehrle

Are the Committee aware of the amount of opposition to the current plans for the Walnuts, with various petitions and a Facebook group with nearly 900 locals, who do not want what is on offer from Areli?

Reply:

A planning application for the redevelopment of the Walnuts has been submitted. Once validated, this application will be subject to public consultation. Any objections received will be considered by officers in making a recommendation and the committee as part of the determination of the application.

3. From Ms Lucy Fairbairn

Why are you determined to make Orpington another Croydon? What is the benefit of High rises to the local population?

Reply:

A planning application for the redevelopment of the Walnuts has been submitted. Once validated, this application will be subject to public consultation. Comparisons to other town centres are not part of any established planning policies, however the application will be considered against current policies in the Bromley Local Plan as well as the London Plan which include specific policies around tall buildings and other aspects of redevelopment. The committee has not yet considered this application.

4. From Mr Peter Noorlander

1. Manufacturing and construction contribute 12% of UK greenhouse gas emissions, with cement, iron, steel, and energy intensive machinery required to construct with those materials representing a significant proportion. Will the committee consider adopting the retainment of all existing building frames and foundations, unless faults can't be remedied?
2. The Royal Institute of British Architects has advocated halting demolition in order to lower greenhouse gas emissions. It reports that 50,000 buildings are demolished in the UK every year, producing 126 million tonnes of waste - two-thirds of the UK's total. Will the committee consider a policy of repurposing existing structures over demolition?

Reply:

The Bromley Local Plan (2019) does not currently include such policies. Any policies promoting retrofit first would need to be adopted as part of the Local Plan review. Work on the review is underway and there will be several rounds of public consultation of draft documents as part of the preparation process.

5. From Ms Carol Pitman

How is Committee monitoring the number of unoccupied properties (including new-builds), and using this (current and reliable data) to inform its Orpington decisions - ensuring permission for residential building is not just a tick-box process for meeting housing targets, but demonstrably meets housing demand by area and by type?

Reply:

The London Plan sets out borough housing targets which all boroughs must meet. Where targets are not met, this can trigger various punitive measures as part of the Government's housing delivery test, which is monitored using information on additions to housing supply and includes annual figures on the net change in vacant properties - <https://www.gov.uk/government/statistical-data-sets/live-tables-on-dwelling-stock-including-vacants>. The evidence which underpins the Local Plan and the London Plan does have regard to need for specific types of housing, and there are policies in place in the Local Plan and the London Plan which aim to deliver homes for which there is an evidenced need, e.g. relating to different housing tenures and housing size mix. These policies will form part of the assessment of planning applications for new housing, alongside the housing target and a range of other policies.

6. From Ms Kelly Lee

As a resident of Uplands Road I am extremely concerned about Areli's proposals. Such overbearing structures would have a devastating impact on me and my neighbours through overshadowing and loss of privacy. Will the committee ensure that planning policy is correctly adhered to regarding loss of amenity to all immediate neighbours?

Reply:

A planning application for the redevelopment of the Walnuts has been submitted. Once validated, this application will be subject to public consultation. Current planning policies in respect of the amenity of neighbouring properties will be assessed in the officer report to the committee and the committee will ultimately consider the application with regard to these and other relevant policies.

7. From Ms Gill Georgeson

Can the committee confirm that they will ensure that planning guidelines will be followed and that due consideration is given to loss of amenity to those homes in the immediate vicinity e.g. loss of light/overshadowing and privacy?

Reply:

A planning application for the redevelopment of the Walnuts has been submitted. Once validated, this application will be subject to public consultation. Current planning policies in respect of local character and impact will be assessed in the officer report to the committee and the committee will ultimately consider the application with regard to these and other relevant policies.

8. Ms Jean Seager

How can the council even consider building two 19 storey skyscrapers close to each other in the middle of the Walnuts shopping centre in Orpington when they will clearly be out of character with the existing area, as stated in the Local Plan? The visual impact in terms of height and density of these and the other 16 high rise blocks will be enormous and represents an overdevelopment of such a small area.

Reply:

A planning application for the redevelopment of the Walnuts has been submitted. Once validated, this application will be subject to public consultation. Current planning policies in respect of local character and impact will be assessed in the officer report to the committee and the committee will ultimately consider the application with regard to these and other relevant policies.

9. From Jamie Devine

1. To avoid additional congestion and pollution, improve residents' health and encourage active travel, new residential developments should remove all barriers to habitation without private transport. Will the committee consider a requirement for all new residential developments to be accessible to a suitably sized supermarket within a 10 minute walk?
2. High energy consumption and wastage are inherent in the design and construction of a building. The Local Plan cites the London Plan's ambition to reduce carbon dioxide emissions by at least 20%. Will the committee consider a much more ambitious and necessary requirement for all new developments to be passive?

Reply:

There are existing planning policies which relate to the provision of services for new residential development and health, pollution and travel and additionally energy and waste. Any new policy requirements would need to be adopted as part of the Local Plan review. Work on the review is underway and there will be several rounds of public consultation of draft documents as part of the preparation process.

10. From Mr David Morrison

1. How many meetings between Councillors and/or Council Officers have taken place with Areli/Tikehau (Walnuts owner) in connection with the proposed development of the Walnuts Centre?

Background: In the Local Government Association "Probity in Planning" advice on pre-planning application discussion it states "a written note of such meeting should be placed on file as a public record. If there is a legitimate reason for confidentiality regarding a proposal, a note of the non-confidential issues raised or advice given should be placed on file to reassure those not party to the discussion"

Please can you direct me to those notes? Would Montagu Evans who are advising the Council be subject to the same standards?

Reply:

This question amounts to a Freedom of information Request and has therefore been referred to the relevant section for response. Any response will be provided in line with the Freedom of Information Act 2000.

11. From Mr David Swift

Areli have told me that the new development will replicate existing facilities but haven't provided layout details. Can you confirm that the new public leisure facilities will have the same floor space as current leisure centre and if not could you advise the relative sizes?

Reply:

This information will be in the public domain once the newly received planning application has been through the validation process and public consultation has commenced.

12. Ms Kerry Sanders

Given the substantial number of apartments proposed in each block, I would like to know how highway safety will be maintained, particularly in light of the generation of additional traffic in the immediate area and taking into consideration the additional parking/loading, turning of vehicles, plus the noise and disturbance resulting from this?

Reply:

Highway safety and the impact of vehicular movements are matters which will be considered in the planning application process and the Highway Authority will be consulted on the application.

13. From Mr David Marshall

1. Does the Council have a dedicated officer monitoring the development at Calverley Close and if so can details be provided?
2. Does the Council have a view on what constitutes good and poor consultation with regards to the development of a tenanted site, and what powers does it have to enforce best practice?

Reply:

There is no current planning application or permission for the redevelopment of Calverley Close. If and when an application is submitted this will have an allocated planning case officer.

From a planning point of view consultation will be conducted in line with the Council's Statement of Community Involvement which can be accessed via the Bromley Council website. This is required to demonstrate that the views of the

local community have been sought and taken into account in the formulation of development proposals.

14. From Ms Sarah Fisher

I would like to ask a question at DCC on 11th Jan. Can the committee promise that residents of Homefield Rise will not be blighted by loss of light or privacy by the proposed development of the Walnuts. Will they also ensure that local roads are able to cope with the increased traffic that up to 1,000 new residents will create.

Reply:

A planning application for the redevelopment of the Walnuts has been submitted. Once validated, this application will be subject to public consultation. Current planning policies in respect of the amenity of neighbouring properties including loss of light and privacy and highway matters will be assessed in the officer report to the committee and the committee will ultimately consider the application with regard to these and other relevant policies.

15. From Ms Chloe-Jane Ross

1. Is the DCC concerned about the height of the proposed development at Calverley Close which overlooks Beckenham Place Park which is used by many Beckenham residents, and does the Council have any powers to limit the height?
2. Some of the residents of Calverley Close have raised concerns about the development and the consultation processes of Riverside - what statutory and/or non statutory role does Bromley Council have in protecting residents?

Reply:

There is no current planning application or permission for redevelopment at Calverley Close. If and when an application is received it will be assessed against the Development Plan (which includes tall building policies) and any other material considerations. Developers are required to submit a statement of community involvement that demonstrates that the views of the local community have been sought and taken into account in the formulation of development proposals. Bromley Planning will also carry out public consultation as outlined in the Council's Statement of Community Involvement which is available on our website.

16. From Ms Lara Suths

Why is the Areli development contrary to the Bromley local plan (section 4 transport and accessibility Policy 30 Residential Parking Standards) which states that provision of parking should be 0.7 - 1.5 for tower blocks providing 1-2 bedroom to 3 bedroom

properties respectively? The current plan proposes an allocation of 0.3 parking spaces per household.

Context: Please see below.

FROM THE BROMLEY LOCAL PLAN SECTION 4

4.1.5 Bromley has one of the highest car ownership levels in London (1.2 per household, Census 2011) and an average public transport accessibility level (PTAL) score of 2.7 (Transport for London, 2010)

Parking standards in Table 1 reflect these local circumstances.

2*-6a	1-2 bed 0.7 (min) - 1 (max)	3 bed 1 (min) - 1.5 (max)	4 bed 1.5 (min) - 2 (max)
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Minimum levels of parking for new residential developments are required in order to ensure new developments do not generate additional intrusive or obstructive on-street parking as a result of inadequate on-site provision.

Reply:

A planning application for the redevelopment of the Walnuts has been submitted.

The application has not yet been validated and is not therefore yet subject of any formal view or decision by Officers or Development Control Committee and this stage will come much later following consultation and assessment when an Officer report will be presented to the committee for their consideration of the application.

17. From Mr Derek Archer

Background: At present residents of the Walnuts Estate, and further afield, enjoy Digital TV and Radio services from the Crystal Palace transmitter. These signals radiate in straight lines and go very close to the current tower block at Orpington College. Any new high rise developments in this vicinity would adversely affect, if not totally block, reception to Walnuts Estate residents.

Would the Development Control Committee please give an assurance that any developments near to the Walnuts Centre would not affect TV and Radio reception to Walnuts Estates residents?

P.S: Please note that in similar situations developers have suggested they might support the roll out of fibre TV services. This would not be a suitable alternative as the Walnuts Estate is already fully fibred by both BT and Virgin. Their services are not supplied free of charge, as the existing transmissions are from Crystal Palace, so would cause residents additional costs in perpetuity.

Reply:

The Local Planning Authority will consult Arqiva, who are the transmission company used by broadcasters to distribute and transmit their programmes on the proposal if there is reason to believe it will interfere with reception. At this point in the application process it is not possible to say whether the proposal will affect reception or how this could be addressed and it is recommended that this matter be raised in formal representations to the application once it has been validated and consultation has commenced.

18. From Ms Sheila Brown

Context: I understand that the Developers are intending to carry out their proposals in phases. Phase one involves demolition of the Walnuts Leisure Centre, to construct one of the 19 storey towers. I object most strongly to this demolition of a perfectly usable, serviceable building, leaving residents without this highly valued and well used amenity. Given Bromley's target of reducing emissions, it has been shown that emissions from demolition of buildings are a huge contributory factor, and in light of discussions at the recent COP26 it flies in the face of all common sense to embark on a huge programme of demolition in a town centre.

1. How does Bromley Council, plan to protect nearby residents and business employees from pollution and emissions resulting from the demolition process? Surely any procedure of this kind would have to have a Health and Safety procedure established? I urge Bromley Council to think long and hard about this and to seek professional advice before making any decision to proceed.

Reply:

No planning permission yet exists for this proposal, however planning permissions for large scale redevelopment would normally include planning conditions aiming to minimize pollution and emissions from the construction phase. In addition, the Council's Environmental Health team has a published Code of practice for the control of noise from demolition and construction sites.

19. From Ms Alsia Igoe

Item 6: Planning Application (21/03231/FULL1) – 70 High Street, Bromley BR1 1EG

1. Q: Documents for this application, an extremely large development, were not included with the agenda when it was published. The papers were eventually added on 5 January, and Democratic Services confirmed the extension of the 48 hour public agenda question deadline until 7 January. Were the many residents who had supported/objected to this application notified of the deadline extension for public questions?

Reply:

The complexity of the reports for this meeting combined with officer workloads and the Christmas break unfortunately led to unexpected delays in finalising the planning application reports for the January Development Control Committee and the reports were not ready as anticipated but needed to be added late. Due to the gaps in between meetings and the timescales involved in these cases deferring to a later committee was not possible / desirable.

The Planning Department do not routinely notify interest parties of the deadlines for questions to Committees, the deadlines are published on the Council's website. However, when the supplementary agenda was published on 5 January 2022, details of the revised question deadline were included on the agenda front sheet.