

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 7 June 2022

Present:

Councillor Alexa Michael (Chairman)
Councillor Keith Onslow (Vice-Chairman)

Councillors Jonathan Andrews, Mark Brock, Peter Dean,
Simon Fawthrop, Christine Harris, Alisa Igoe, Charles Joel,
Kevin Kennedy-Brooks, Josh King, Tony McPartlan, Tony Owen,
Chloe-Jane Ross, Shaun Slator, Alison Stammers and
Melanie Stevens

Also Present:

Councillor Julie Ireland

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

There were no apologies for absence.

2 DECLARATIONS OF INTEREST

There were no additional declarations of interest.

3 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Seven questions were received from members of the public and are attached at Appendix A.

4 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 19 APRIL 2022 AND 18 MAY 2022

RESOLVED: That the minutes of the meetings held on 19 April and 18 May 2022 be agreed and signed as a correct record.

5 (20/00325/OUT) - CRYSTAL PALACE PARK, THICKET ROAD, PENGE, LONDON, SE20 8DT

Description of application - Outline application with all matters reserved except highways access for comprehensive phased regeneration of Crystal Palace Park. This will include: conservation and repair of heritage assets; removal of existing hard surfaces; alterations to ground levels and tree removal; landscaping including planting of new trees; demolition of existing

buildings and structures; creation of new pedestrian paths/vehicular access roads / car, coach and cycle parking; changes of use including part of the caravan site to part public open space and part residential; erection of new buildings and structures comprising: up to 2300sqm for a cultural venue (Use Class D2), up to 530sqm of park maintenance facilities (Sui Generis) including the dismantling and reconstruction of existing maintenance depot; up to 150sqm information centre (Use Class D1); up to 670sqm for a community centre (Use Class D1); up to 3779sqm of educational institution at the Capel Manor College Farm Site (Use Class D1) of which 3399sqm comprises educational buildings and 380sqm comprises ancillary shelters/ outbuildings; and up to 16,352 sqm of residential (Use Class C3) accommodation to provide up to 210 residential dwellings, together with associated and ancillary works including utilities and surface water drainage, plant and equipment. Full planning permission is sought for alteration to highways access at Anerley Hill Gate entrance, Penge Gate car park, Old Cople Lane (Rockhills Gate), Sydenham Gate car park and the creation of three additional accesses for the residential development at Rockhills and Sydenham Villas.

The Committee was addressed by the Head of Regeneration who advised that the phased approach to the development had been designed to mitigate the financial risk posed to the Local Authority in forward funding the heritage works by up to £2.5M to be reimbursed from the land sale proceeds. This approach would also ensure that works would be completed on the most at-risk heritage structures before work on the residential development commenced. Historic England had secured the necessary specialist support to undertake the heritage works and additional funding for these works would be sought from other sources including grant applications which would emphasise the amenity value of Crystal Palace Park to both Bromley and its neighbouring boroughs. Set timescales for the completion of the various phases of the work had not been agreed although the overall scheme had an end date of ten years which gave a degree of certainty.

The Planning Officer then gave a brief presentation, providing an overview of the application and proposed addendum in the report.

Oral representations in support of the application were received from the Head of Regeneration who gave the following responses to Members' questions:-

- The proposed Heads of Terms for the shadow S106 legal agreement specified the provision of 24 on-site units of affordable housing within the residential scheme. The Local Authority was required by statute to maximise the income from the land sale, and should there be a financial surplus, consideration could be given to delivering additional affordable housing units on-site or, via a payment in lieu, in other parts of the Borough. Any surplus funds could also be put towards the Crystal Palace Park regeneration works.
- The Council's Executive would be asked to confirm the arrangements

for ringfencing the proceeds of the sale for heritage works. Should sufficient progress not be made within a given period, a commitment would be made to pay funds to the Crystal Palace Park Trust for heritage works from the Local Authority's general fund. This payment would be set at the treasury management rate earned from any money from the land sale that was not discharged.

- As this was a major planning application, the residential scheme would require approval from the Greater London Authority.

A Member underlined the need for regular progress updates on delivering the scheme to be reported to the Renewal, Recreation and Housing PDS Committee and this was supported by the Committee. A high-level draft project timescale/plan had been developed and would be circulated to Members following the meeting.

Members having considered the report, objections and representations, RESOLVED that PERMISSION BE GRANTED SUBJECT TO:

- **Confirmation by the Council's Executive that the Council shall either itself comply with the terms of a shadow Section 106 to be finalised pursuant to the application, or that the Council will ensure that any purchaser or lessee of any part of the park will enter into a Section 106 agreement with the Council, incorporating the obligations from the shadow Section 106 agreement that are relevant to the part of the site;**
- **Any direction by the Mayor of London and the Secretary of State; and,**
- **The conditions attached at Appendix A or as varied by the Assistant Director (Planning and Building Control).**

**6 ADOPTION OF THE PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT
Report HPR2022/024**

The Committee considered a report recommending the adoption of the revised Planning Obligations Supplementary Planning Document (SPD) which provided a framework setting out the types of obligations that could be secured on a wide range of planning applications. It was necessary to agree a revised SPD following the adoption of the Bromley Community Infrastructure Levy (CIL) and changes to national, regional and local planning policy since the agreement of the current SPD in 2010.

The Head of Planning Policy and Strategy presented the report and gave the following responses to Members' questions:-

- The SPD was not part of the Bromley Local Plan but provided guidance on relevant local planning policies.

- Within the Air Quality section, a reference to the use of off-site measures to improve local air quality where they could not be further reduced by on-site measures (12.22) was based on a similar provision within the London Plan.
- Within the Off-site Provision and Payments in Lieu section, a reference to exceptional circumstances under which the Council could consider that off-site affordable housing provision or payment in lieu would be acceptable (5.17) could include a particular design reason why affordable housing could not be provided on-site, such as a small site footprint. Any such provision was unlikely to affect community health and education facilities which were normally funded via a Community Infrastructure Levy.

In discussion, a Member observed that the production of an SPD was optional and underlined the need to clarify the advantages in agreeing an SPD. The Member highlighted that only nine individual responses had been received during the public consultation period and raised further concerns with regard to the document, particularly the definition of Orpington which did not reflect the transformation of its shopping and leisure offer in recent years.

Another Member supported these points and raised key areas not included in the SPD, including conservation and energy efficiency measures and no reference to home working. The Member proposed that the Executive be recommended to defer adoption of the revised Planning Obligations Supplementary Planning Document, subject to further work being undertaken with Members to address inconsistencies and omissions with a view to reconsidering a revised SPD at the meeting of Development Control Committee on 20 September 2022.

Another Member proposed the SPD be approved at this time and be subject to continual review as a 'living' document, but this was not supported by the Committee.

RESOLVED: That the Executive be recommended to defer adoption of the revised Planning Obligations Supplementary Planning Document, subject to further work being undertaken.

7 PLANNING TREES TEAM UPDATE **Report HPR2022/027A**

The Committee considered a report providing an update on the Trees Team, including highlighting resourcing issues and potential compensation costs of contesting tree costs.

The Principal Tree Officer presented the report and gave the following responses to Members' questions:-

- The Trees Team considered requests for Tree Preservation Orders

(TPOs) on trees on private land in the Borough. The number of TPOs made had increased year-on-year over the past five years with 15 TPOs made in 2018 compared to 13 so far in the 2022 calendar year. There were a total of 2785 TPOs in place across the Borough.

- Prosecutions in relation to TPOs had also increased in recent years with one prosecution made in 2020 and 6 cases authorised for prosecution for the 2022 calendar year to date, of which three were criminal offences that would be likely to be taken to Crown Court and three were summary notices likely to be considered at the Magistrate's Court. The Trees Team undertook an average of 50 enforcement cases per year with one enforcement case currently standing at 250 officer hours and 300 car miles of costs, as well as Legal Officer and Barrister costs.
- In assessing the amenity value of a tree, two factors were taken into account comprising a monetary value, using Capital Asset Value for Amenity Trees (CAVAT) which provided a basis for managing trees as public assets rather than liabilities, and the valuation of a trained individual.
- The Trees Team also dealt with complaints about high hedges with an average case taking 18 working hours from initial assessment to the service of a remedial notice, with additional time required in relation to appeals and enforcement. The Local Authority charged £500 for handling such complaints and it was proposed that this be raised to £750 to cover the costs of the service, in line with other Councils.

The Vice-Chairman noted that the Local Authority was undertaking a proactive tree planting programme and underlined the importance of ensuring that the Local Authority met its responsibilities around ongoing tree maintenance, particularly in light of claims for damages.

The Committee agreed that reports be presented to future meetings of the Development Control Committee outlining the business cases for surveying the Local Authority's TPO portfolio and raising the cost of handling high hedges complaints. The Committee also discussed the workload of the Trees Team, and it was requested that a report presenting a business case on its future operation and resourcing, including staffing, be presented to the Renewal, Recreation and Housing Portfolio Holder via the Renewal, Recreation and Housing PDS Committee.

RESOLVED: That:

- **Reports presenting the business cases for surveying the Local Authority's TPO portfolio and raising the cost of handling high hedges complaints be presented to future meetings of the Development Control Committee; and,**
- **A report presenting a business case on the future operation and**

resourcing of the Tree Team, including staffing be presented to the Renewal, Recreation and Housing Portfolio Holder via the Renewal, Recreation and Housing PDS Committee.

8 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006, AND THE FREEDOM OF INFORMATION ACT 2000

The Chairman to move that the Press and public be excluded during consideration of the items of business listed below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

9 EXEMPT MINUTES OF THE MEETING HELD ON 19 APRIL 2022

RESOLVED: That the Part 2 (Exempt) minutes of the meeting held on 19 April 2022 be agreed and signed as a correct record.

**10 PLANNING TREES TEAM UPDATE (PART 2 EXEMPT REPORT)
Report HPR2022/027B**

The Committee considered the report and supported the recommendations.

The Meeting ended at 9.20 pm

Chairman