

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held at 7.30 pm on 13 June 2023

### **Present:**

Councillor Alexa Michael (Chairman)

Councillors Jonathan Andrews, Peter Dean, Sophie Dunbar, Simon Fawthrop, Kira Gabbert, Christine Harris, Alisa Igoe, Charles Joel, Kevin Kennedy-Brooks, Josh King, Tony McPartlan, Tony Owen, Will Rowlands, Shaun Slator and Alison Stammers

### **Also Present:**

Councillor Yvonne Bear

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

Apologies for absence were received from Councillors Keith Onslow (the Vice-Chairman) and Melanie Stevens and Councillors Kira Gabbert and Sophie Dunbar attended as their respective substitutes. Apologies for absence were also received from Councillors Colin Hitchins and Chloe-Jane Ross.

#### **5 DECLARATIONS OF INTEREST**

There were no additional declarations of interest.

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

No questions were received.

#### **7 CONFIRMATION OF THE MINUTES OF THE MEETINGS HELD ON 18 APRIL AND 10 MAY 2023**

In considering the minutes of the meeting held on 10 May 2023, Councillor Alisa Igoe requested that Minute 2: Members of Sub-Committees be updated for Plans Sub-Committee No.2 to show the political parties of each Member in line with the format used for other Sub-Committees and this was supported by the Committee.

**RESOLVED: That the minutes of the meetings held on 18 April and 10 May 2023 be agreed and signed as a correct record, subject to the above amendment.**

**8 ADOPTION OF THE URBAN DESIGN GUIDE SUPPLEMENTARY  
PLANNING DOCUMENT  
Report HPR2023/039**

The Committee considered a report recommending the adoption of the Urban Design Guide Supplementary Planning Document which provided guidance to inform development proposals coming forward in Bromley with the aim of ensuring consistent high-quality design.

The Head of Planning Policy and Strategy and the Planning Policy Officer made a presentation to the Committee outlining the development of the Urban Design Guide. This included a public consultation undertaken between 28 October 2022 to 9 December 2022 that had resulted in a number of amendments being made. The final draft Urban Design Guide Supplementary Planning Document would also be considered by the Renewal, Recreation and Housing PDS Committee at its meeting on 15 June 2023 and for adoption by the Council's Executive at its meeting on 5 July 2023.

The Chairman thanked officers for the excellent work undertaken in developing the final draft Urban Design Guide and observed that the purpose of this document was to provide clear guidance on urban design to inform planning policy. The Urban Design Guide was not policy in itself but would carry weight in planning applications. A Member suggested a number of small amendments to be made to the draft final Urban Design Guide and underlined the need for guidelines relating to Tall Buildings to be sufficiently flexible to ensure that development within the Borough was appropriate in both scale and geographic location. In answering a related question from another Member, the Head of Planning Policy and Strategy confirmed that developers were required to submit detailed information within their planning applications regarding the anticipated impact of the development on local infrastructure, including discussions with local infrastructure providers. A Member was pleased to note that the Urban Design Guide recommended the use of solar tiles in place of solar panels in more sensitive areas of the Borough, including conservation areas.

In response to a question from the Chairman, the Head of Planning Policy and Strategy confirmed that while the majority of photographs within the Urban Design Guide depicted examples from outside the Borough it was anticipated that as more high-quality schemes were progressed, these could be replaced with Bromley images in future iterations of the document. A Member suggested that shop frontages in Chislehurst could provide excellent examples of good practice in the Urban Design Guide and observed that the Urban Design Guide itself had been informed in places by the original Chislehurst Shopfront Design Guide. The Member went on to emphasise the importance of promoting the Urban Design Guide to local businesses once adopted, as well as raising awareness around the requirement to obtain planning permission for certain changes which could help reduce future breaches of planning control.

With regard to other matters, a Member welcomed the dedicated section on access and inclusion in the final draft Urban Design Guide and suggested a minor amendment be made at Paragraph 5.254 to underline that development proposals 'should' rather than 'can' promote good health and wellbeing. Another Member saw that there was little mention of nuisance noise within the Urban Design Guide and the Planning Policy Officer advised that while there were limited references to noise in relation to environmental amenity, the Urban Design Guide was primarily focused on design. The issue of noise nuisance was specifically addressed in policies within the Local Plan, London Plan and National Planning Policy Framework. A Member observed that what was considered good urban design changed over time and there was a need to take a long term and holistic view for development in the Borough.

In summation, the Chairman moved that the following changes to the Urban Design Guide Supplementary Planning Document be recommended for agreement by the Renewal, Recreation and Housing PDS Committee at its meeting on 15 June 2023 and this was put to the vote and CARRIED:

- Paragraph 3.11: Change to 'Petts Wood developed during the late 1920s and 1930s, ~~inspired by the Garden City movement~~ **following the Garden Suburb principle.**'
- Guidance Note DG14, Part B – Change from 'best practice' to 'good practice'.
- Paragraph 5.254 – Change from 'can' to 'should.'
- Guidance Note DG19, Parts A and B – Change to 'a) ~~Adopting~~ **Noting** the Health Streets Approach' and 'b) ~~Adopting~~ **Noting** an inclusive holistic approach'.
- Guidance Note DG20, Part C – Change to 'Incorporating internal **and external** ~~water saving~~ water consumption measures to ~~minimise consumption~~ **ensure efficient use of water resources**, and external Sustainable Urban Drainage Systems (SUDs) to manage surface water and flood risk.'

**RESOLVED: That the Renewal, Recreation and Housing PDS Committee be asked to agree the proposed above amendments and recommend the Council's Executive to:**

- 1) **Adopt the Urban Design Guide Supplementary Planning Document as a local development document, subject to any further minor changes (e.g. -. related to formatting or mapping) prior to adoption; and,**
- 2) **Withdraw the following documents:**
  - **Supplementary Planning Guidance 1 – General Design Principles;**
  - **Supplementary Planning Guidance 2 – Residential Design Guidance; and,**
  - **Design Guides for Shop Fronts in Beckenham, Chislehurst and Bromley North Village.**

**9 ADOPTION OF THE ORPINGTON TOWN CENTRE  
SUPPLEMENTARY PLANNING DOCUMENT  
Report HPR2023/038**

The Committee considered a report recommending the adoption of the Orpington Town Centre Supplementary Planning Document which provided guidance to assist with the determination of planning applications in the Orpington Town Centre area, including guidance on design requirements.

The Head of Planning Policy and Strategy and the Planning Policy Officer made a presentation to the Committee outlining the development of the Orpington Town Centre Supplementary Planning Document, including a public consultation undertaken between 9 March 2022 to 1 July 2022 that had resulted in a number of amendments being made to the final draft. The final draft Orpington Town Centre Supplementary Planning Document would also be considered by the Renewal, Recreation and Housing PDS Committee at its meeting on 15 June 2023 and for adoption by the Council's Executive at its meeting on 5 July 2023.

The Chairman invited a Committee and Ward Member for Petts Wood and Knoll to open the discussion. The Member outlined some of the particular needs of Orpington which was described as a main town within the London Plan, but which he argued should be considered as having a number of business, leisure and retail hubs, including the Nugent Centre. Regional policy around car usage had the potential to significantly impact Orpington's economy moving forward, including the proposed expansion of the Ultra-Low Emission Zone. The Chairman observed that all forms of transport had a role in Bromley which was a geographically large and diverse Borough. The Member outlined a number of points raised by an Orpington resident on the final draft Orpington Town Centre Supplementary Planning Document including ensuring that development within Orpington town centre was not disproportionate in terms of density or height and that heritage continued to have appropriate protections. Another Member who was also a Ward Member for Petts Wood and Knoll suggested a minor amendment be made to SPD Guidance Note 11 to address ambiguity inherent to the statement that 'Tall buildings will need to be of the highest architectural design quality'.

In summation, the Chairman moved that the following changes to the Orpington Town Centre Supplementary Planning Document be recommended for agreement by the Renewal, Recreation and Housing PDS Committee at its meeting on 15 June 2023 and this was put to the vote and CARRIED:

- SPD Guidance Note 11: Change to 'Tall buildings will need to ~~be of the highest~~ **achieve exemplary** architectural design quality...
- Section 6: Orpington East: Paragraph 6.4, Bullet 4 – Change to 'In accordance with Local Plan and London Plan requirements, particularly Local Plan policy 47 and London Plan policy D9, tall and large buildings will need to ~~be of the highest~~ **achieve exemplary** architectural design quality'

**RESOLVED: That the Renewal, Recreation and Housing PDS Committee be asked to agree the proposed above amendments and recommend the Council's Executive to adopt the Orpington Town Centre Supplementary Planning Document as a local development document, subject to any further minor changes (e.g. – related to formatting or mapping) prior to adoption.**

**10 ENFORCEMENT PLAN 2023  
Report HPR2023/029**

The Committee considered a report presenting the Enforcement Plan 2023 which had been updated to reflect the current status, including an additional procedural flowchart. This report would also be considered by the Renewal, Recreation and Housing and the Public Protection and Enforcement PDS Committees at their respective meetings on 15 and 28 June 2023.

In introducing the report, the Head of the Planning and Development Support Team advised that the Enforcement Plan 2023 had been designed to provide clarity on Portfolio responsibility for enforcement with all aspects of investigation sitting within the Renewal, Recreation and Housing Portfolio. Everything subsequent to an enforcement decision falls under the remit of the Public Protection and Enforcement Portfolio. The highest priority cases for enforcement were those that had resulted in irreversible changes, such as the destruction of a listed building or tree, and this was reflected in the scale of fines that could be levied which were intended to act as a deterrent. There had been a recent incident in the Borough in which a number of protected trees had been felled. An investigation was currently underway and should a person be convicted of having committed an offence in relation to this matter, any fine was likely to be substantial.

A Member queried the three-year timeframe for taking enforcement action in relation to the unlimited felling or destruction of protected trees outlined in the Enforcement Plan 2023. The Head of the Planning and Development Support Team clarified that this was the timescale for making a report of a breach to the Tree Team. Another Member asked whether failure to adhere to a Construction Management Plan came under the remit of the Enforcement Team and the Head of the Planning and Development Support Team confirmed that this was the case. Adherence to a Construction Management Plan was a condition in granting planning permission and should there be any concern that a developer was in breach of this requirement, the Enforcement Team would undertake an investigation which could culminate in a Breach of Conditions Notice or a Failure to Comply with Conditions Notice.

A Member asked for further information on timescales for members of the public reporting enforcement matters. The Head of the Planning and Development Support Team explained that anyone reporting an enforcement matter to the Planning Investigation Group would immediately receive an auto-receipt to their complaint (if reporting via e-mail) and would receive a letter within five working days providing details of the investigating officer and a reference number. A site visit must be conducted within ten working days

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and further timescales were set from that point forward, dependent on the findings of the site visit. Matters were dealt with in the order in which they were reported although higher priority was given to irreversible changes including issues relating to a listed building or tree or matters raised by an elected Member.

**RESOLVED: That the revised Enforcement Plan and flowchart be noted.**

The Meeting ended at 8.40 pm

Chairman