

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 30 November 2023

Present:

Councillor Alexa Michael (Chairman)

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

26 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Keith Onslow and Will Rowlands.

Apologies for lateness were received from Councillor Jonathan Andrews.

27 DECLARATIONS OF INTEREST

There were no additional declarations of interest.

28 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

29 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 5 OCTOBER 2023

RESOLVED: That the minutes of the meeting held on 5 October 2023 be agreed and signed as a correct record.

30 (21/05585/FULL1) - 2 - 4 RINGERS ROAD AND 5 ETHELBERT ROAD, BR1 1HT (BROMLEY TOWN WARD)

Description of Application: Demolition of existing buildings and construction of a mixed use development comprising residential units, ancillary residents' facilities (including co-working space) and commercial floor space (Use Class E) across two blocks, along with associated hard and soft landscaping, amenity spaces, cycle and refuse storage (Revised scheme incorporating a second stair into Block A and Block B, internal layout and elevational changes, and changes to the on street parking bays and footpath along Ringers Road and Ethelbert Road).

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

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

- The development included 12 one-bed and 8 two-bed affordable (social rent) units, 6 one-bed and 7 two-bed affordable (shared ownership) units and 35 one-bed and 26 two-bed market units. This was in line with the London Plan which advocated one- and two-bed units for town centre locations and the Local Plan which stated that the greatest need in Bromley was for one- and two-bed units. The proportion of affordable units met the 35% target in the London Plan and provision would be made in the Section 106 agreement if this could not be delivered.
- The daylight assessment for the proposed development was compliant with guidance and a recent modelling exercise establishing that the open amenity would also meet the requirements for sunlight. The units were orientated to minimise unacceptable visibility with a generous 15-metre separation between the blocks that was larger than that of some planning applications previously approved by the Committee. A noise impact assessment had also established that ambient noise levels were acceptable with work also undertaken with a neighbouring church to ensure any issues with noise were identified.
- The wheelchair accessible social housing units were scattered across the south-facing elevation of the Ringers Road block which would give tenants a good aspect with abundant light. Some housing associations had already been approached regarding social housing opportunities, but there was also scope for discussions with the Local Authority on placing its own social housing tenants. The agent could not commit to sign a Section 106 agreement that would give the Local Authority nomination rights for the social housing units but this request would be taken back to the applicant. A higher play space contribution had been agreed in principle and the amount of on-site play space had also increased slightly as a result of changes to the proposed units.
- Significant work had been undertaken over the past year to ensure the development complied with new fire safety regulations, including revising the layout and adding a second access stairway. The Health and Safety Executive had confirmed that the scheme was now compliant. Changes had also been made to the internal layout in response to concerns raised by the London Fire Brigade with the Building Control service subsequently advising that any outstanding concerns would be dealt with by building regulations. The London Plan required a certain amount of cycle storage to be incorporated within the development and consideration had been given to compartmentalisation of the cycle store and the fire rating of the walls in light of the fire safety risk posed by electric cycles.

Additional information relating to Agenda Item 5: 2 - 4 Ringers Road and 5 Ethelbert Road had been circulated to Members by e-mail earlier in the day. Paper copies were also available at the meeting. Councillor Alisa Igoe expressed concerns about the late availability of the information and felt that more time should have been given for Members to digest the contents.

In opening the discussion, the Chairman advised that written representations from the three Ward Councillors for Bromley Town had been circulated in advance of the meeting. While this town centre site was suitable for housing in principle, the Chairman had significant concerns about the quantity of housing proposed for what was a small site, particularly as the height, bulk and massing of the scheme did not fit with Ethelbert Road's residential character. She was concerned that Members were being asked to approve poor quality accommodation for future occupants and there was a lack of family housing. The topography of this part of the town centre was higher than Bromley South where tall buildings had been permitted and the site was also adjacent to Bromley Town Centre Conservation Area. Councillor Peter Dean stated that the scheme would need a complete redesign to be acceptable. Councillor Charles Joel also expressed a view that the scheme be refused, in which case the applicant would have the right to lodge an appeal with the Planning Inspectorate or submit a redesigned scheme that addressed the issues raised.

The Chairman moved that the planning application be refused as recommended for the reasons set out in the report and the addendum of the Assistant Director: Planning. The motion was seconded by Councillor Peter Dean.

Councillor Simon Fawthrop agreed that the proposed development was inappropriate but suggested that it may be better to agree a deferral to enable the applicant time to review the size of the development and other outstanding issues, including those relating to fire safety. Councillor Tony McPartlan underlined the Borough's need for good quality housing and agreed that a deferral would allow the applicant time to address the reasons for refusal as well as for London Fire Brigade to confirm that the fire safety arrangements were sufficiently robust.

Councillor Simon Fawthrop moved that the planning application be deferred to allow time for the applicant to review the size and bulk of the proposed development in light of its proximity to the Bromley Town Centre Conservation Area as well as to address issues raised by the London Fire Brigade. The motion was seconded by Councillor Tony McPartlan.

Councillor Kevin Kennedy-Brooks observed that the application had certain merits but that there were too many issues with the scheme in its current form, particularly around the provision of social housing. Councillor Alisa Igoe similarly stated that she supported the development of a brownfield town centre site but that the scheme was disappointing in only offering one and two-bed units rather than larger family units. Councillor Chloe Jane Ross

raised issues of design and massing as, despite the lower part of the building and entrance being well-designed, the bulk of the building presented a very unattractive utilitarian design that would be overbearing in the street scene. Consideration should also be given to the units as family homes as people often moved into units as a single person or couple and were unwilling or unable to move on when they later had children.

Councillor Tony Owen underlined that there were 200 people presenting to the Local Authority as newly homeless on a monthly basis and that it was important to increase the number of social housing properties in the Borough where possible. The Councillor asked how Planning Officers had come to a judgement that the development be refused and the Development Management Team Leader – Major Developments explained that this was based on the subjective judgement of the Planning Officer that the benefit of new housing would not outweigh the harm created by this specific scheme. In response to another question raised, the Development Management Team Leader – Major Developments confirmed that the applicant had submitted an acceptable drainage scheme and that this was no longer a reason for refusal. The Head of Planning Policy and Strategy added that there were no systemic issues with water infrastructure in Bromley but there were occasionally site-specific issues for which acceptable drainage schemes must be agreed. In response to other questions from Councillor Tony Owen, the Development Management Team Leader – Major Developments clarified that Transport for London had raised no objections in relation to the impact of the development on the road network but that contributions to Healthy Streets improvements and Legible London signage were required to improve the public realm. With regard to fire safety concerns, Councillor Tony Owen observed that there had been no deaths in high rise buildings since the Grenfell Tower disaster in 2017 and Councillors Alisa Igoe and Kevin Kennedy-Brooks highlighted how this demonstrated the extreme importance of adherence to fire regulations and robust fire safety practices.

In summation, the Chairman stated that two valid motions had been proposed and seconded and these would be taken in the order in which they were put forward. The motion that permission be refused as recommended for the reasons set out in the report and addendum of the Assistant Director: Planning was put to the vote and CARRIED.

RESOLVED: That PERMISSION BE REFUSED as recommended for the reasons set out in the report and the addendum of the Assistant Director: Planning.

**31 DEVELOPMENT CONTROL COMMITTEE/PLANS SUB-COMMITTEES - TERMS OF REFERENCE
Report CSD23147**

The report presented a proposed update to the terms of reference for the Development Control Committee and the Plans Sub-Committees as listed in the Council's Constitution to enable these Committees to determine a range of types of application in Schedule 2 of the Town and Country Planning

(General Permitted Development) (England) Order 2015 (as amended) that were not currently covered in the Functions Regulations.

In considering the proposed update, the Chairman queried whether Members would retain the right to call-in planning applications in their wards. The Legal Representative confirmed that the right to call-in was specified in another part of the Council's Constitution and that the proposed update would simply expand the power of Members to call-in a wider range of planning applications. A Member requested that Paragraphs 2.08 and 2.09 of the proposed terms of reference be further amended to make this clear as follows:

"2.08.1. Planning and Conservation and Building Control. All the Council's powers and duties relating to town and country planning and development control and building control as specified in Schedule 1 of the Functions Regulations, including, where appropriate, determining cases relating to individual sites and to exercise the prior approval functions under Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). *(Call-in still applies.)*

2.09.1. To exercise all the powers and duties of the Council as local planning authority as set out in Schedule 1 of the Functions Regulations and to exercise the prior approval functions under Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) *(Call-in still applies.)*"

RESOLVED: That the updated terms of reference for Development Control Committee and Plans Sub-Committees be approved, subject to the above amendments, and referred to Council for adoption in the Constitution.

32 HPR PLANNING KPIS

The Committee considered the performance of the Planning Service against various Key Performance Indicators (KPIs) as at November 2023.

In response to a question from the Chairman on KPI P11: Building Control Applications – Volumes, the Assistant Director: Planning clarified that approximately 40% of planning applicants used the Local Authority's Building Control service with the remaining 60% using other approved inspectors. This percentage of market share compared well with other local authorities. Another Member underlined the importance of ensuring that KPI data was reported to Members in the most effective way and advised that he was working with Officers to review how data was presented in future.

RESOLVED: That the update be noted.

The Meeting ended at 8.35 pm

Chairman