

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 5 March 2024

Present:

Councillor Alexa Michael (Chairman)
Councillor Keith Onslow (Vice-Chairman)
Councillors Jonathan Andrews, Josh Coldspring-White,
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
and Alison Stammers

Also Present:

Councillor Simon Jeal

33 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor Melanie Stevens.

34 DECLARATIONS OF INTEREST

Councillor Colin Hitchins declared that his partner was the Conservative candidate for the Beckenham and Penge Parliamentary Constituency and had provided representations to Item 5: (23/00178/FULL1) Blenheim Shopping Centre, High Street, Penge.

35 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

36 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 30 NOVEMBER 2023

RESOLVED: That the minutes of the meeting held on 30 November 2023 be agreed and signed as a correct record.

37 (23/00178/FULL1) BLENHEIM SHOPPING CENTRE, HIGH STREET, PENGE (PENGE AND CATOR WARD)

Description of Application: Phased development including demolition of existing buildings and erection of four blocks to facilitate a mixed-use development providing up to 230 dwellings, up to 2,714sqm of commercial/town centre floorspace and associated communal amenity space and play space, cycle parking, refuse storage and plant space in four buildings ranging between 3 and 16 storeys. Provision of public realm and

new pocket park at ground floor with associated landscaping improvements. Provision of 24 commercial car parking spaces and 8 blue badge spaces for the residential accommodation.

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

Oral representations objecting to the application were received from the Chair of the Penge Forum who gave the following responses to Members' questions:

- At 16-storeys, the proposed development was too tall in an area where buildings did not typically rise above 3-storeys and would overshadow a large number of local residential dwellings. Penge residents would prefer a development scheme that allowed the retail environment to thrive and did not increase density in an area which already had the highest density housing in the Borough. Local people also wanted at least 50% affordable housing and a higher proportion of Social Rented than Shared Ownership units offered in any development which was not the case with this scheme.
- Local traders were concerned about the reduction of retail space which almost halved the available retail space in the Penge SE20 Business Improvement District (BID). It was also considered likely that the trade of destination shops in the area would be affected by the reduction in commercial car parking spaces. The existing car park at the Blenheim Shopping Centre was fairly well used and usage was certainly in excess of the 24 commercial car parking spaces provided by the development.
- The Penge Forum had recently held a public meeting to discuss the difficulties in accessing medical care in Penge and Cator Ward. The Penge Forum estimated that, allowing for a couple in one bedroom per unit and one person in other bedrooms, the proposed development could bring approximately 602 new residents into the area which would increase pressure on existing General Practitioner and dental services. School capacity was also an issue with no secondary school for boys in the local area.

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

- The developer was committed to delivering 35% affordable homes with its partner, Clarion Housing Association, which was a policy compliant proportion on a per-room basis and would provide 37 Social Rented and 36 Shared Ownership units. Social Rented homes required significant additional subsidy to be viable and the developer would continue discussions with the Greater London Authority regarding the feasibility of increasing the proportion of

affordable housing. A policy compliant level of cycle spaces had been included and the scheme would also deliver a 10% provision of wheelchair accessible dwellings and 3% provision of wheelchair accessible parking totalling eight parking spaces. Of these parking spaces, 20% would be fitted with active EV charging infrastructure with the remainder having passive, although this could be increased to 100% active EV charging if requested by the Committee.

- The developer had collaborated with the Design Review Panel and Planning Officers to create a viable scheme that worked with the constraints of the site footprint, including servicing requirements, boundary conditions and neighbouring amenities. A design-led approach had helped ensure that massing of the development was appropriate and located away from the boundary edge and neighbouring receptors wherever possible. The maximum height of the development had been reduced to 16-storeys and extensive work had also been completed with Townscape Consultants to assess the impact of views of the development from various locations. The development did not include rainwater harvesting but a stable drainage strategy had been developed that incorporated green roofs, permeable paving and attenuation tanks. The public realm spaces around the development would be managed by the development's estate managers and funded via the residents' service charge with a cap applied for Social Rented tenants.
- The proposed development had been updated twice to reflect emerging changes in fire guidance and complied with all current building and regulatory requirements, including two staircases for all buildings over 18 metres in height. This included approval from the Greater London Authority in complying with London Plan 2021 policies D5 and D12 and Stage 1 Gateway approval from the Health and Safety Executive. A decision had been taken not to apply certain additional measures recommended by the London Fire Brigade but the way that lobbying worked for Blocks B, D and E could be revisited if Committee Members felt this was necessary. Further consultation would be undertaken with the Health and Safety Executive and the London Fire Brigade at the Gateway 2 (pre-construction) and Gateway 3 (occupation) stages of development to ensure the delivery of the scheme remained fully compliant. The development included sprinklers and was designed to enable residents to self-evacuate in the event of the fire. No information was held regarding the location of the nearest high rise fire ladder but there was full fire vehicle access to the site.
- A socio-economic assessment had been conducted to assess the impact of the development on the local area including consultation with schools that had identified a surplus of pupil places. The developer had also worked collaboratively with Iceland Foods Limited on the design of its new store and while there would be a

reduction in commercial car parking spaces, this reflected an increasing move to basket-only stores for the supermarket chain. A number of parking surveys had been conducted in and around the site to understand demand. The existing commercial car parking provision at the Blenheim Shopping Centre was under-used with two levels of the multi-story car park already closed and the new development would create 24 commercial car parking spaces in addition to residents' parking at levels compliant with the London Plan. The local area would benefit from a significant Community Infrastructure Levy contribution as a result of the development.

Councillor Simon Jeal, visiting Ward Member, addressed the Committee on behalf of himself and his Ward colleague, Councillor Kathy Bance, advising that the overwhelming majority of residents of Penge and Cator Ward they had spoken to were in opposition to the proposed development and had significant concerns around its impact on the local community. The Member objected to the planning application on a number of grounds including the height and massing of the proposed development that was out of keeping with the local area and the adjacent conservation area, as well as increased pressure on local services from 230 new households. The loss of the Blenheim Shopping Centre would reduce the commercial footprint of Penge town centre, including the potential loss of larger retail outlets that made a significant contribution to the Penge SE20 Business Improvement District. The loss of parking capacity would also affect local residents as well as visitors that travelled to the destination shops in the area. Councillor Simon Jeal was particularly concerned that the developer had disregarded advice from the London Fire Brigade on additional fire safety measures within the scheme's design and also flagged that the application anticipated the transfer of Local Authority land into private ownership which could impact public usage of these community assets.

The Chairman invited Councillor and Ward Member Kevin Kennedy-Brooks to open the debate. Councillor Kevin Kennedy-Brooks stated that although he recognised the opportunity for some form of development in Penge, the size of the proposed development was excessive, particularly in an area which already had the highest density of housing in the Borough. Specific aspects of the planning application that the Member objected to included the loss of privacy and outlook to residents of Croydon Road, the height, scale, layout and materials used for the proposed development and concerns raised by Historic England regarding the harm caused to the historic environment and the adjacent conservation area. Strategic Policy 6 in the London Plan underlined the need for town centres to have a mix of uses that supported social interaction and thriving communities, but the proposed development would reduce available commercial space and could impact shops and businesses in the wider area due to reduced parking capacity. The transfer of Local Authority land to provide the public realm aspect of the development was also concerning as, even if the intention was for this space to remain in the public domain, this could impact the highly successful events run by the Penge SE20 Business Improvement District throughout the year. The Member questioned the Public Transport Accessibility Level (PTAL) of the site

of 4/5 as local railway stations no longer had a direct connection to London Bridge station and buses were infrequent and already running at full passenger capacity for much of the day.

Councillor Kevin Kennedy-Brooks moved that the planning application be refused in light of height and massing of the proposed development; over- and out-of-character development; impact on heritage assets and the conservation area; loss of retail space and commercial car parking spaces; overlooking and loss of privacy and sunlight; lack of amenities; and, failure to meet Policy D9 and SD6 of the London Plan, Section 72 of the Town and Country Planning Act 1990 and Policy 47 of the Bromley Local Plan.

Councillor Peter Dean agreed that there were areas of concern with the proposed development such as height, loss of commercial car parking space and the impact on the conservation area. Having said that, the London Plan put a huge emphasis on housing supply, and it was unlikely that any of the reasons given for refusal would be sufficient to argue against a development that would provide a significant number of homes to Bromley residents, including much-needed Social Rented and Shared Ownership units.

Councillor Peter Dean moved that the planning application be approved as recommended with the additional grounds that Permitted Development Rights be removed to stop further extensions of the building and that changes be made in line with the recommendations of the London Fire Brigade, namely that any approval be subject to receipt of acceptable revised plans showing occupants of the 'Adaptable' flats in block C are provided with an appropriate route to an escape stair without having to move through a lobby associated with one stairway to get to a lobby associated with another stairway or which otherwise demonstrate the highest standard of fire safety in that regard. The motion was seconded by Councillor Simon Fawthrop who proposed two additional grounds with respect to active EV charging infrastructure being installed for 100% of the eight wheelchair accessible parking spaces for residents and a ridge height condition to preclude any further increase in height.

Councillor Alisa Igoe described how tight she had found the development site on a recent site visit, particularly in view of the density of Penge High Street, although the disrepair of the car park made it clear that some form of development was needed. The Member was concerned that the recommendations of the London Fire Brigade had not been accepted by the developer, although the proposed development did comply with all fire safety requirements. Councillor Chloe Jane-Ross observed that Penge town centre had a unique character and underlined the importance of protecting this architectural heritage which she felt would not be enhanced by the height and massing of the proposed development. The aspiration was surely for a vibrant high street that attracted shoppers and she did not think enough had been done to address the impact of the loss of the Blenheim Shopping Centre and car park to High Street retailers.

The motion to refuse the planning application was seconded by Councillor Josh King who highlighted that the number of local objections outweighed those in support. In his view, the proposed development was out-of-character for Penge and more like something you would find in New York. The Member recognised the need for social housing and housing in general but felt the issues with regard to privacy and outlook for residents, height, scale and massing for residents and the objection received from Historic England outweighed the benefits of the development. Councillor Colin Hitchins expressed similar concerns in relation to the massing of the proposed development compared to the size of the site and stated that he could not support approval of the planning application on this basis.

Councillor Tony Owen noted the proposed development raised a number of issues and that although a further reduction in overall height and massing of the development would be beneficial, this would likely make the delivery of Social Housing units not viable. Weighing it up, the Member felt that the special circumstances to secure much-needed housing outweighed other concerns raised by the development, with the exception of the fire safety issues identified by the London Fire Brigade. The Vice-Chairman similarly emphasised the expertise of the London Fire Brigade on fire safety matters. Councillor Jonathan Andrews suggested that the best way to secure a positive outcome was to approve the application with an informative that would address the fire safety concerns raised and Councillor Charles Joel expressed his support for this approach.

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 approved as recommended for the reasons set out in the report, subject to additional conditions agreed by Members was put to the vote and CARRIED.

RESOLVED: That PERMISSION BE GRANTED as recommended, subject to additional grounds that Permitted Development Rights be removed to stop further extensions of the building, that active EV charging infrastructure being installed for 100% of the eight wheelchair accessible parking spaces for residents and a ridge height condition be applied to ensure that the development could not be increased in height and any direction by the Mayor of London for the reasons set out in the report and addendum of the Assistant Director: Planning, and receipt of acceptable revised plans showing occupants of the 'Adaptable' flats in block C are provided with an appropriate route to an escape stair without having to move through a lobby associated with one stairway to get to a lobby associated with another stairway or which otherwise demonstrate the highest standard of fire safety in that regard.

**38 PLANNING RELATED CHANGES TO LOCAL PLANNING
PROTOCOL AND SCHEME OF DELEGATION
Report CSD24037**

The Committee considered a report setting out changes proposed as part of a new annual review of the Local Planning Protocol and the Scheme of Delegation to Officers related to the Development Control Committee.

In addition to the changes set out in the report, the Chairman proposed that Paragraph 1A.2 of the Local Planning Protocol be amended as set out below and this was supported by the Committee:

“Substitute Members at planning committee meetings should be impartial and no more than two Members sitting on a committee should be representing any particular ward at any time. This does not include visiting Members who cannot vote. For the avoidance of doubt, the fact that a Member has called in an application to committee which appears on the agenda of a planning committee meeting shall not by itself preclude such a Member from serving as a substitute Member of that planning committee meeting or from fully participating in the meeting on the same terms as ordinary Members of that Committee.”

A Member suggested that Section 9 of the Local Planning Protocol also be amended to state that due weight should be given to Members’ local knowledge, and this was supported by the Committee. Another Member queried the proposal to limit the representations of Visiting Councillors to a three-minute time period in line with the time allocated to members of the public. Following discussion, the Committee supported the introduction of a five-minute time period for Visiting Councillors and agreed that the Committee should have the opportunity to ask questions of Visiting Councillors.

In considering the proposed changes to the Scheme of Delegation, the Assistant Director: Planning advised that a Member had submitted alternate wording for Section 16.5(b)(i) but that it was not recommended to accept this as it did not include every change requested by Members and the Committee supported this approach. Another Member asked that the readability of Section 16.5(b)(i) be reviewed to ensure it was accessible and this would be taken forward after the meeting with all proposed changes to be provided to the Committee via e-mail circulation.

RESOLVED: That:

- 1) The proposals set out in Paragraphs 3.1-3.8 of Report CSD24037 and the related changes in the appended Local Planning Protocol, Scheme of Delegation, Addendum and further changes as set out above be approved; and,**
- 2) Council be recommended to approve the proposed changes to the Local Planning Protocol and Scheme of Delegation.**

39 APPOINTMENTS TO PLANS SUB-COMMITTEES
Report CSD24020

The Committee considered a report requesting that Councillor Josh Coldspring-White be appointed to Conservative Group vacancies on the memberships of Plans Sub-Committee No. 2 and No. 4.

In response to a question from a Member, the Chairman advised that from the start of the 2024/25 municipal year, the number of Plans Sub-Committees would be reduced from four to two with meetings of these committees held alternately on a monthly basis. This reflected the reduction in the number of planning applications presented to Plans Sub-Committees in recent years. The Planning Advisory Service had also commented that there were too many planning committees and that the Council should consider reducing them.

RESOLVED: That Councillor Josh Coldspring-White be appointed to the memberships of Plans Sub-Committee No. 2 and No. 4.

40 HPR PLANNING KPIS

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

RESOLVED: That the update be noted.

The Meeting ended at 9.51 pm

Chairman