

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 14th June 2005

Present:

Councillor A M Wilkinson (Chairman)
Councillor Bloomfield (Vice-Chairman)
Councillors Katy Boughey, John Canvin, Clark,
Jane Connor, Peter Dean, Peter Fookes, Gostt,
John Holbrook, John Ince, Gordon Jenkins,
Mrs Anne Manning, Michael, Jenny Powell and
Peter Woods

Also present:

Councillors Roger Charsley, Martin Curry,
John Getgood, Chris Maines, David McBride,
Rod Reed, Brian Toms and Colin Willetts

5 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

Apologies for absence were received from Councillors Charles Joel, (and from his alternate Samaris Huntington-Thresher) and Bob Shekyls. Councillor John Canvin attended the meeting as the alternate for Councillor Shekyls.

6 DECLARATIONS OF INTEREST

Councillor John Ince declared a personal interest in Item 5(2) (Planning Reports - 1 Whippendell Close, Orpington) as a Council representative serving on the Board of Broomleigh Housing Association.

7 MINUTES

RESOLVED that the Minutes of the meetings held on 19th April and 2005 and 11th May 2005 be confirmed subject to the amendment of the Minute numbers in the Minutes of the meeting held on 19th April 2005 in which Councillor George Taylor attended to read as follows "(in attendance for Minutes 78, 79, 80 and 81)".

8 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Cator Road Conservation Area

(1) The following question was asked by Ms Jane McCartney of 24 Woodbastwick Road, Beckenham:

"The proposal for the Conservation Area suggests a minority of houses in Woodbastwick Road/Bertie Road included for an extension of the existing Conservation Area. Why the splitting of a relatively long road into two distinct sections, one side no Conservation Area/only bits of one side Conservation Area which somewhat undermines the principle of a Conservation Area?"

In his response, the Chairman indicated that the Council, when considering designation, must only include an area if it was of sufficient merit and the area being designated must exhibit a special character and appearance which it was desirable to preserve or enhance. As there were potentially a very wide range of area types and places of special interest the Conservation Area guidelines from Government did not prescribe that boundaries could not run down the middle of a road although generally it was not deemed to be good practice.

In the case of Woodbastwick Road some of the buildings on the south side exhibited greater interest than the others on the street. It was evident from the report that officers had taken the view that none of the buildings were of sufficient interest. Therefore, it would be up to the Committee to decide whether or not to designate this additional area.

(2) The following question had been received from Mr Stephen McLoughlin of 24 Woodbastwick Road, Beckenham:

"Can you supply the actual costs incurred so far for this flawed Conservation Area proposal and the extra burden of costs if the unnecessary Conservation Area is implemented?"

The Chairman indicated that as Mr McLoughlin was unable to attend the meeting, he would be provided with a written response to his question.

9 PLANNING REPORTS

The Committee considered the Chief Planner's report on the under-mentioned planning applications:-

1. (04/04047/OUT) Demolition of existing college building and students' residential accommodation. Erection of residential development (comprising approximately 251 dwellings) with amended vehicular access, landscaping and open space (OUTLINE) at Ravensbourne College of Design and Communication, Walden Road, Chislehurst

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It was reported that objections had been received. In addition, it was reported that nearly 100 late letters of objection had been received from local residents together with late representations from Robert Neill, Member of the Greater London Authority, objecting to the proposal and requesting that it be refused.

Oral representations both in objection to and in support of the application were made at the meeting.

Strong objections to the proposal were expressed by Members of the Committee in support of the objections which had been received from local residents. The principal areas of concern related to density and over-development of the site which would be out of character with the surrounding area and to the lack of adequate medical, school, shopping and public transport facilities locally, the consequential traffic congestion and possible effects on flooding which could result from the impact of such a large development.

In updating the Committee, the Chief Planner drew attention to the very full report before Members and pointed out the decision options which were available to them at this meeting. He reminded Members of the four main issues which had been drawn to their attention on their site visit earlier in the year: the principle of residential development, the amount of development and impact on the area, traffic issues and infrastructure. The Chief Planner commented further in relation to each of these issues and indicated that the Council's Highway officers were satisfied that there should not be any significant adverse impact on the traffic network as a result of the development proposal. In suggesting that it would not be possible to argue against the principle of development of the site, the Chief Planner felt that Members, in seeking to balance the views and concerns of local residents over the current proposal whilst mindful of the Council's planning brief, the Greater London Plan, the Inspector's report on the UDP and current Government policy, might feel it appropriate to seek to negotiate a lower density development on the site.

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Members, having considered the report, objections, the representations made and the advice of the Chief Planner, RESOLVED that the application be DEFERRED without prejudice to any future consideration in order to seek to negotiate a reduction in the number of dwellings to the lower end of the Planning Policy Guidance Note No.3 scale and to request a flood risk assessment.

2.
KELSEY AND EDEN
PARK WARD

(04/04846/DET) Amended description to read as follows:-

Details of siting, design, external appearance, survey/protection of and works to trees, foul water drainage, car and cycle parking, external lighting and existing site levels/proposed slab levels pursuant to conditions 1, 4, 7-10 and 12 of the outline permission ref: 02/00288 granted on appeal (single and two storey buildings for medium secure unit comprising wards providing 89 beds for mental healthcare, with ancillary entrance/common areas, offices, activity/therapy, restaurant and sports/fitness hall, linked by roofed corridors, with access/servicing, 60 car parking spaces, landscaping and fencing) at Bethlem Royal Hospital, Monks Orchard Road, Beckenham.

It was reported that the application had been amended by documents received on 26th January 2005, 11th February 2005, 20th May 2005 and 8th June 2005.

It was reported that objections had been received and that late representations had been submitted by members of CABBE (Campaign Against Bethlem Building Extension).

Oral representations both in objection to and in support of the application were made at the meeting.

Representations were also made by a local Ward Member (Councillor Reed) who, together with some Members of the Committee, expressed opposition to the proposal and shared the concern of local residents that inadequate security measures were in place on the site.

In updating the Committee, the Chief Planner commented that such units were tightly controlled by the Government and had to comply with NHS standards within prescribed regulations and design.

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Members, having considered the report, objections and representations made, RESOLVED that the DETAILS BE APPROVED, as recommended, subject to the conditions set out in the report of the Chief Planner with the amendment of condition 2 and the addition of an informative to read as follows:

“2 Details of tree surgery to the retained trees shall be submitted to and approved in writing by or on behalf of the Local Planning Authority before any part of the development hereby permitted is first occupied, and the surgery shall be carried out in accordance with the approved details.

REASON: In order to comply with Policies G.26 and G.27 of the Adopted Unitary Development Plan and Policies NE6 and NE8 of the second deposit draft Unitary Development Plan (September 2002) and in the interest of good arboricultural practice and the visual amenities of the area.”

INFORMATIVE: The applicant should ensure that the buildings conform to Government standards on design of Medium Secure Units.

IT WAS FURTHER RESOLVED that the Social Care Health and Housing Portfolio Holder be requested to have regular consultation with the South London and Maudsley NHS Trust concerning the running of the hospital.

(Councillor Peter Dean requested that his contrary vote in respect of the above decision be recorded.)

(Councillor Rod Reed declared a personal interest in this item.)

3
KELSEY AND EDEN
PARK WARD

(05/00771/FULL1) Detached building comprising maintenance workshop, storage and staff facilities, and extension of existing hardstanding and 3.5m high palisade fencing/gates to provide waste management compound for garden/grounds maintenance facilities for the hospital.

Joint report with application No. 05/01015.

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Oral representations both in objection to and in support of the application were made at the meeting. Representations were also made by a local Ward Member (Councillor Reed) who expressed concern over the security measures at the site.

Members, having considered the report and representations made, RESOLVED that PERMISSION BE GRANTED SUBJECT TO ANY DIRECTION BY THE FIRST SECRETARY OF STATE, as recommended, and subject to the conditions set out in the report of the Chief Planner.

4
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(05/01015/FULL1) Occupational therapy garden enclosed by 2.4m high wall/fence with gates, including greenhouse/coldframes, polytunnel and single storey building comprising office, kitchen, toilet and storage and with access drive and hardstanding for deliveries/turning area.

Joint report with application No. 05/00771.

It was reported that objections had been received. Oral representations both in objection to and in support of the application were made at the meeting.

Representations were also made by a local Ward Member (Councillor Reed) who expressed concern that the proposed 2.4m wall was not high enough. In response, the Chief Planner indicated that the wall could be made higher if the Hospital Trust so wished.

Members, having considered the report, objections and representations made, RESOLVED that PERMISSION BE GRANTED, as recommended, and subject to the conditions set out in the report of the Chief Planner.

5
CRAY VALLEY WEST
WARD

(05/01547/OUT) Demolition of existing single storey dwellings and erection of 5 two storey blocks comprising 16 one bedroom and 2 two bedroom flats for sheltered accommodation for the elderly, 12 two bedroom flats, 11 three bedroom houses, 4 four bedroom houses with access road, 50 car parking spaces, relocation/rearrangement of Urban Open Space for associated gardens and residential curtilage (at 1-38 Whippendell Close) (OUTLINE) at 1 Whippendell Close, Orpington.

It was reported that objections had been received. Oral representations in objection to the application were made at the meeting.

Representations objecting to the application were also made by a local Ward Member (Councillor Willetts).

Members, having considered the report, objections and representations made, RESOLVED that PERMISSION BE REFUSED, on the grounds that the proposal constitutes an overdevelopment of the site and would have a detrimental effect on the amenity of residents in the vicinity contrary to Policies H.2, H.7 and E.1 of the adopted Unitary Development Plan and Policies H2, H7 and BE1 of the second deposit draft Unitary Development Plan (September 2002).

**10 AREA ACTION PLAN FOR BROMLEY TOWN CENTRE: DRAFT
INTERIM PLANNING STATEMENT
Report ELS05146**

Further to Minute 78 (19.4.05) a representative of the planning consultants (EDAW) who had been appointed to undertake an Area Action Plan for Bromley Town Centre attended the meeting and presented a draft Interim Planning Statement for discussion.

A number of various complex and detailed issues were raised and concern was expressed by Members in relation to the design principles contained in the Table 3 Proposal Sites. It was felt that the purpose of the Interim Planning Statement required clarification so as to provide Members with a more robust stance in dealing with ad hoc planning applications received during the interim period which did not conform with the Borough's overall vision as it was important that development proposals submitted during the preparation of the Area Action Plan did not prejudice the long-term viability and vitality of the town. The consultant's representative indicated that changes could be made or Table 3 could be removed.

Members felt that further opportunity was required to consider this report and

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RESOLVED that a revised version of the report be prepared by the consultants taking account of the comments expressed by the Committee for submission to the special meeting of the Committee to be held on 28th July 2005 and that in the meantime any further Member comments be conveyed to either the Chairman or to the Chief Planner.

11 NOTICE OF MOTION: MOBILE TELEPHONE MASTS
Report ELS05149

The following Motion, which had been moved by Councillor Maines and seconded by Councillor McBride at the Council meeting on 21st March 2005, had been referred to this Committee for consideration:

“This Council:

- concerned at its present inability, through the planning process, to act in the best interests of local residents in relation to the proliferation of mobile telephone masts;
- welcomes the Private Members’ Bill introduced by Andrew Stunnell MP to give local Councils greater powers in this regard and in particular (a) to prohibit any development without planning permission and (b) to allow a local Council to have regard to health issues on a precautionary basis;
- instructs officers to investigate ways in which the Council can perfect legislation so that it is changed to meet the aims of the Private Members’ Bill.”

At its meeting on 19th April 2005 (Minute 83) this Committee had deferred consideration of this matter and had requested the Chief Planner to submit a detailed report to Members in order to take account of all aspects of the Motion. In the meantime, various measures were to be undertaken. Since that meeting a factsheet had been prepared explaining Government guidance and the Council’s responsibilities concerning mobile phone masts and a seminar had been held on 2nd June 2005 to which all Members of the Council had been invited to attend which had explained the current issues.

The Committee considered a detailed report received from the Chief Planner which set out the four current levels of planning relating to telecommunications and a number of suggestions that could be put forward to improve the present arrangements. In the light of the further information received, Members gave consideration to revising the terms of the Motion to be recommended to the Council meeting on 4th July 2005.

RECOMMENDED that the Council adopts the terms of the following revised Motion moved by Councillor Gosst and seconded by Councillor Jenny Powell:

“That this Council, concerned at its present inability through the planning process to act in the best interests of local residents in relation to the proliferation of mobile telephone masts, consider that the current planning system should be changed so that:

- **full planning permission would be required for all types of mast and antennae except those currently classified as de minimis;**
- **fees are increased to reflect the cost of processing mast/antennae applications;**
- **operators are legally obliged to submit a composite plan to local authorities;**
- **local authorities would not have to pay compensation to operators if Article 4 Directions are issued or in cases of maladministration;**
- **the Code of Practice is reviewed to promote improved public consultation by operators; and**
- **the Government publish clear and up-to-date advice on the health implications relating to masts;**

that the Borough’s three Members of Parliament be asked to assist the Council in this matter.”

RESOLVED that the final wording of the Motion be agreed by the Chairman before being submitted to the Council.

**12 PLANNING ANNUAL REPORT
Report ELS05150**

The Committee gave consideration to the Planning Division Annual Report 2004-2005 which outlined the range of activities which had been carried out by the Division during the year in relation to Building Control, Development Control, Development Plan, Heritage and Urban Design and Planning Support.

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Reference was made to the award of a Planning Delivery Grant which had helped to finance improvements in the delivery of planning services and to the impact of the new Planning Act in making the planning system faster, fairer and more efficient. The Division had completed the second year of the five year Best Value Action Plan and was working hard to bring about the changes and to giving priority towards the Council's programme of "Achieving Excellence".

In congratulating the Chief Planner and his staff, the Committee acknowledged that the successes outlined in the Planning Annual Report as well as the results of the second year of the Best Value Action Plan had been achieved in spite of the considerable pressure resulting from the existing staffing difficulties and shortage.

RESOLVED that the report be noted.

**13 THE USE CLASSES ORDER 2005
Report ELS05137**

A report was received from the Chief Planner setting out the modifications which had been made to the Town and Country Planning (Use Classes Order) to enable Local Planning Authorities to have more control over changes of use, especially in town centres. The changes had come into effect on 21st April 2005.

RESOLVED that the report be noted.

**14 CONSERVATION AREAS: EXTENSION TO THE CATOR ROAD
CONSERVATION AREA
Report ELS05134**

At its meeting on 26th October 2004 (Minute 39) the Committee had agreed that consultation should be undertaken as to the possible extension to the Cator Road Conservation Area to include part of Woodbastwick Road and that the findings should be reported back to the Committee.

The Chief Planner reported that consultation had taken place between 14th March and 14th April 2005 and that 100 consultation packs had been sent out to all the properties within the existing Conservation Area, within the proposed extension and adjoining the proposed extension. Only 34 responses had been received with 23% of those consulted supporting designation. English Heritage had previously raised its concern that the area was of insufficient merit to justify designation. In the light of the area's lack of special interest and the low consultation response, the officers recommended that no further action be taken.

A local Ward Member (Councillor Getgood) attended the meeting and, whilst supporting the officer recommendation, expressed concern about the quality of the consultation procedure. In response, the Chief Planner indicated that the quality of the consultation procedure would be reviewed.

RESOLVED that, in the light of the reassessment of the area and the low public consultation response, no further action be taken.

(Councillor Getgood declared a personal interest in this item.)

15 PLANNING AND DESIGNING OUT CRIME
Report LDS05103

The Community Safety and Leisure PDS Committee on 25th May 2005 had received presentations on planning and designing out crime and had also noted the report entitled "Safer Places: The Planning System and Crime Prevention (March 2004)" which had been considered by this Committee on 26th October 2004 (Minute 44). The PDS Committee had agreed that planning applications should continue to include appropriate conditions for sites where there was concern about crime and had felt that this Committee should request that developers take more account of designing out crime in their proposals. The PDS Committee had also felt that the Government should be lobbied to introduce designing out crime measures within Building Regulations.

In supporting the view of the Community Safety and Leisure PDS Committee, Members

RESOLVED that

(1) developers be asked to take more account of designing out crime in development schemes; and

(2) the Government be lobbied to introduce designing out crime measures within Building Regulations.

A.M. WILKINSON
Chairman

The meeting ended at 11.15 pm.