

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 8th February 2005

Present:

Councillor A M Wilkinson (Chairman)
Councillor Bloomfield (Vice-Chairman)
Councillors John Canvin, Clark, Peter Dean, Gostt,
John Holbrook, Samaris Huntington-Thresher,
John Ince, Gordon Jenkins, Charles Joel,
David McBride, Michael, Jenny Powell, Rod Reed
and Peter Woods

Also present:

Councillors Roger Charsley, Julian Grainger and
Russell Mellor

61 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

Apologies for absence were received from Councillors Katy Boughey, Jane Connor, Peter Fookes and Bob Shekyls. Councillors Samaris Huntington-Thresher, David McBride and John Canvin attended the meeting as the alternates for Councillors Boughey, Connor and Shekyls, respectively.

62 DECLARATIONS OF INTEREST

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

63 MINUTES

RESOLVED that the Minutes of the meeting held on 7th December 2004 be confirmed.

64 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

The following question was asked by Mr Howard Batchelor of Crouch Farm, Crockenhill Road, Orpington:

“There is an urgent need for a transit site for travellers in the Borough. Without such a site the temporary planning consent granted to the Gavin and Lee sites at Waldens Farm are likely to become permanent in July. I understand a committee is “urgently” looking for a site but has not met since May last year. Your response please.”

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In response the Chairman indicated that the Council's Executive on 11th October 2004 considered the situation at Waldens Farm and resolved that the adequacy of the existing number of traveller pitches in Bromley and the need for any further provision should be considered in a regional context.

Consultants had been appointed to undertake the necessary survey work covering, in addition to Bromley, adjoining Boroughs and districts in South East London and the Kent region. It was hoped that this work could be completed by the end of March this year. The Working Party would reconvene following the receipt of the Consultants' report.

The questioner further commented that in the four years which had elapsed since travellers had entered Waldens Farm, a number of initiatives had been started by the Council. He enquired as to when one of these would be completed. In reply the Chairman further indicated that the Council had embarked on a myriad of actions, together with some measures in conjunction with the Police, but that the outcome of these had not been as satisfactory as Members would have wished. The various complexities involved had been referred to by the Member of Parliament for Orpington in a recent debate in the House of Commons and later in the evening the Committee would be considering the latest Government draft circular on planning for gypsy and traveller sites. The Chairman regretted that he was unable to provide any guarantee as to when the gypsies would vacate the site.

65 PLANNING REPORTS

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

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| 1.
CRAY VALLEY EAST
WARD | (04/04280/VAR) Removal of condition 1 of application 03/03110 to enable permanent use of the site for waste composting facility comprising access roads, weighbridge, portable building, car parking, storage lagoon, compost storage area and landscaping buffer at land at (Cookham Wood) Cookham Road, Swanley. |
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It was reported that the application had been amended by documents received on 4th January 2005.

It was reported that objections had been received.

Oral representations in support of the application were made at the meeting.

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In updating the Committee, the Chief Planner reminded Members that temporary permission had been granted (Minute 97 (1)-20.4.04) for this proposal until 31st May 2007. He indicated that since that time there had been a considerable improvement in the condition of the site whilst recognising that further work was required to be carried out. The views of adjacent local authorities were reported together with the comments which had been received from the Environment Agency. Work on the site was closely monitored by the Environment Agency. The Chief Planner felt that there were no good planning reasons for not providing this proposal with a permanent permission and recommended the Committee accordingly.

A Member of the Committee, who was also a local Ward Member, opposed the granting of a permanent permission on the grounds that, since the existing operation had only been underway 10 months and that over two years remained before the temporary permission expired, insufficient time had existed to evaluate the effect of the work on the local amenities and the local infrastructure. This view was shared by some other Members of the Committee. Particular concern was expressed since the site was situated in the Green Belt. Two motions were moved, (i) to reject the granting of a permanent permission and (ii) to grant an extension of the existing temporary planning permission until 31st May 2013. Both motions were rejected.

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

(Councillor David McBride recorded his contrary vote in respect of the above decision.)

2.
CRAY VALLEY WEST
WARD

(04/04689/FULL1) Demolition of existing single storey dwellings and erection of 5 two storey blocks comprising 18 one bedroom and 2 two bedroom flats for sheltered accommodation for the elderly, 19 two bedroom flats, 4 four bedroom houses, 15 three bedroom houses with access road, 53 car parking spaces, relocation/rearrangement of urban open space including use of allotment land for associated gardens and residential curtilage (at 1-38

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Whippendell Close and former allotment gardens to the rear of Nos. 25-33 Whippendell Close) at 1 Whippendell Close, Orpington.

Oral representations in objection to the application were made at the meeting. A Member of the Committee, who was also a local Ward Member, opposed the application on the grounds of over-development and that it would have a detrimental effect on the local amenities. Concern was also expressed in relation to car parking provision. These views were shared by the majority of the Committee.

Members, having considered the report and representations made, RESOLVED that PERMISSION BE REFUSED on the following grounds:-

- (1) the proposal constitutes an over-development of the site at an excessive residential density, contrary to Policy H.7 of the adopted Unitary Development Plan and Policy H7 of the second deposit draft Unitary Development Plan (September 2002);
- (2) the proposed increased density will have a detrimental effect on the amenity of the local residents particularly those who live in the proposed development contrary to Policy H2 and E.1 of the adopted Unitary Development Plan and Policy H6 and BE1 of the second deposit draft Unitary Development Plan (September 2002); and
- (3) the proposed provision of parking spaces is insufficient to meet the needs of the new development and will give rise to an undesirable increase of on-street parking in nearby roads contrary to Policy T.15 of the adopted Unitary Development Plan and Policy T3 of the second deposit draft Unitary Development Plan (September 2002).

3.
KELSEY AND EDEN
PARK WARD

(04/04778/VAR) Variation of Condition 1 of permission ref. 03/04613, granted for two storey portable buildings to provide temporary accommodation for hospital and day nursery during redevelopment of Beckenham Hospital, to extend the period of temporary permission from 31st December 2006 to 30th April 2008 at Croydon Road Recreation Ground, Croydon Road, Beckenham.

It was reported that objections had been received. It was also reported that late representations had been submitted from local residents and on behalf of the West Beckenham Residents' Association.

A Member of the Committee, who was also a local Ward Member, opposed the application on the grounds of the potential damage to trees resulting from the proposed increased extension time and depriving local residents access to the heritage park. These concerns were shared by the majority of the Committee.

Members, having considered the report, objections and representations made, RESOLVED that PERMISSION BE REFUSED on the following grounds:-

- (1) the proposed extension of time would give rise to an excessive period in which an important part of this area of public urban open space would be unavailable to the general public and thereby would have a detrimental effect on the local residential environment contrary to G.11 of the adopted Unitary Development Plan and Policy G10 of the second deposit draft Unitary Development Plan (September 2002); and
- (2) the extended period of the development would potentially prejudice the retention and well-being of a number of trees which are located in the area of Urban Open Space, therefore contrary to G.28 of the adopted Unitary Development Plan and NE7 of the second deposit draft Unitary Development Plan (September 2002).

**66 ODPM DRAFT REVISED CIRCULAR ON PLANNING OBLIGATIONS
Report ELS05036**

The Chief Planner reported that this consultation document had been published in November 2004 and sought views on the Government's proposals for reforming and improving the current system of planning obligations in England in the short to medium term. The Government's aim was to create a system that was faster, more transparent and accountable and which gave greater clarity and certainty to all concerned. A copy of the consultation document had been placed in the Members Room, together with the associated document: "Reforming Planning Obligations: The Use of Standard Charges".

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The Chief Planner outlined the principle elements of the consultation document and indicated that no radical changes were proposed to existing Government practices. The detailed response from the Association of London Government (ALG) was also submitted. Whilst the closing date for the receipt of comments for this draft Circular had been 25th January 2005, it was considered that the response from the ALG generally reflected the views of this Council. In addition to those comments, Members felt that greater flexibility was required in the policy on affordable housing to enable financial contributions to be received from developers where the provision of affordable housing in particular schemes was deemed inappropriate.

RESOLVED that the report be noted and that the response from the ALG to the consultation document be supported, together with the inclusion of the above additional comment from Members.

67 DRAFT LONDON HOUSING STRATEGY 2005-2016 (NOVEMBER 2004)
Report ELS05032

The London Housing Board had produced a draft London Housing Strategy (November 2004) for consultation purposes which followed up the first document which had been produced by the Board in August 2003. The draft strategy had been developed in response to a request from Government for all Regional Housing Boards to produce updated regional housing strategies by May 2005 that was closely aligned with, and covered, the same time span as their regional spatial strategy which, in the case of London Boroughs, was the London Plan which covered the period 2016. A report was received from the Chief Planner which summarised the relevant issues outlined and submitted suggested observations for feeding back to the London Housing Board. A copy of the Draft Strategy had been placed in the Members Room.

The Committee gave consideration to this matter in conjunction with a further report received from the Chief Planner (ELS 05031) relating to a draft Supplementary Planning Guidance (SPG) document on Housing Provision (December 2004) (see Minute 68 below) which had been produced by the GLA for consultation purposes. This document was to provide additional guidance on the implementation of existing policies on housing provision in the London Plan that had been published in February 2004 and covered a number of issues including policy context, current housing provision targets, maximising housing capacity, sustainable residential quality, efficient use of stock, large and small sites, promoting mixed use development and housing choice.

The Chief Planner highlighted the principle issues and pointed out that difficulties existed between the two documents. Members commented on the number of voluminous consultation documents currently being published in this area and felt that there was an excessive amount of information and guidance

being issued by different levels of Government with little or no commonality between them. Specifically, the figures projected for the increase in growth of London's population by 2016 was called into question. There was also felt to be a conflict between the assumed need of generally providing more housing at high densities and the consequential impact and pressures which would result on the existing local infrastructure. Members felt that the variations in requirements of different parts of the London area should be emphasised to both the Government Office for London and the Greater London Authority and that attention should be drawn to the particular character of this area which was 60% Green Belt. There was also a potential conflict between the stated desire in the documents of providing more homes, affordable housing and more larger homes with the objective of also ensuring that new housing was of a high quality since it was recognised that better designed property normally resulted from lower density developments. Members were also strongly of the view that before action was taken to start building the number of new houses stated in the documents, measures should be taken by the Government to bring back into use the number of empty properties in London (currently estimated at around 250,000) and for providing grant aid to enable improvements to be made to properties to restore them to habitable use.

RESOLVED that

(1) the issues outlined in the draft London Housing Strategy (November 2004) and the draft Supplementary Planning Guidance on Housing Provision (December 2004) be noted;

(2) the comments contained in the reports (ELS05032 and ELS05031) of the Chief Planner, together with the above additional comments made by Members, be agreed and referred to the London Housing Board and the Greater London Authority as appropriate; and

(3) arrangements be made for this Council's views on both documents to be co-ordinated with its South London partners.

**68 DRAFT SUPPLEMENTARY PLANNING GUIDANCE ON HOUSING
PROVISION (DECEMBER 2004)
Report ELS05031**

Reference to this report is included in Minute 67 above.

**69 CONSERVATION AREAS: BROMLEY, HAYES AND KESTON
COMMONS - SUPPLEMENTARY PLANNING DOCUMENT AND
BOUNDARY EXTENSIONS**
Report ELS05034

The first part of the Bromley, Hayes and Keston Commons Conservation Area had been designated on 25th July 2000 with substantial extensions having been added on 25th November 2000. The Chief Planner reported that, in order to meet the Council's statutory obligation for the designation, a draft Supplementary Planning Guidance (SPG) had been prepared. (The Chief Planner pointed out at the meeting that this should be a Supplementary Planning Guidance and not a Supplementary Planning Document as indicated in his report.) Prior to formal adoption, the Supplementary Planning Guidance was subject to full public consultation. The characterisation and appraisal process involved provided for the possible consideration of additional groups of buildings, as indicated, being extended to the Conservation Area and which would also be subject to the public consultation process. It was pointed out that if there were no adverse comments received, a further report on this matter would be referred direct to the Executive for consideration.

Reference was made to the report of the consultants, G.L Hearn on the survey which they had carried out of built heritage in the north-west part of the Borough, the findings of which had been considered by the Committee in June 2004 (Minute 16). A Member requested whether a similar survey, possibly using the same consultants, could be carried out over the remainder of the Borough financed by a portion of the Planning Delivery Grant which was anticipated would be received this year from Government. In response, the Chief Planner outlined the process involved in the allocation of Planning Delivery Grant monies. A Member also pointed out that, arising from the G.L Hearn findings, a further report was anticipated on the provision of further conservation areas in Beckenham. The Chief Planner indicated that a report would be submitted to a future meeting of this Committee, probably in the summer, regarding the provision of future conservation areas in Beckenham and the remainder of the Borough.

RESOLVED that

(1) the contents of the draft Supplementary Planning Guidance be approved and referred for public consultation; and

(2) in the event of no adverse comments being received from the public consultation process, a further report on this matter be submitted directly to the Executive.

70 DRAFT LOCAL DEVELOPMENT SCHEME
Report ELS05033

The Planning and Compulsory Purchase Act 2004 reformed the Development Plan system replacing the Unitary Development Plan with a Local Development Framework (LDF). The LDF was a key Council strategy that would guide the use and development of land in the Borough over the next 10 - 15 years and had potential implications for all portfolios. The above Act required the submission of a Local Development Scheme (LDS) setting out the Council's programme for the preparation of the documents as part of the LDF to the Office of the Deputy Prime Minister by the end of March 2005. The Chief Planner submitted for consideration a draft Local Development Scheme showing the various documents which it was proposed would comprise the LDF, together with the timetable and procedures to be followed in producing them.

The Chief Planner indicated that a copy of the draft LDS had been sent to the Government Office for London and that informal comments from GOL had been received before the meeting. Whilst GOL had indicated that changes would be made to the document, overall it was regarded as good.

A Member enquired why there was no area action plan for either Beckenham, Orpington or Penge. In response, the Chief Planner referred to the mechanism involved and indicated that such plans could only be brought about where either a core strategy or "saved" policy existed and that only such a policy existed for Bromley Town Centre and not for any of the above three areas. He indicated that work was continuing in each of these areas and, to this end, a Member requested that a Supplementary Planning Document be prepared for Beckenham. The Committee accepted that requests for the inclusion of other town centres could not be processed on an individual basis and would have to be considered and prioritised at the first review of the Local Development Scheme.

RESOLVED that the draft Local Development Scheme for preparing the Council's Local Development Framework be agreed in principle and referred, as amended by the comments received from the Government Office for London, to the Executive for consideration and ratification prior to formal submission to the Office of the Deputy Prime Minister.

71 PLANNING FOR GYPSY AND TRAVELLER SITES
Report ELS05040

The Chief Planner reported that the Government had published a draft Circular on planning for gypsy and traveller sites, with the intention of replacing and updating the current guidance contained in Circular 1/94. Views on the consultation document were required by 18th March 2005.

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The Chief Planner set out the main issues highlighted in the draft Circular. These included a change to the definition of gypsy; a requirement that local authorities identified suitable sites for gypsies and travellers in their development plan document; improved guidance on drafting the criteria against which applications for sites would be judged; the issues of Human Rights and Race Relations; advice to local authorities and to gypsies, travellers and their representatives on how the system should operate; the main intentions of the Circular; the transitional arrangements before the completion of local housing needs assessments; the relationship of these provisions with those in other Circulars, PPG and PPS, including PPG2 - Green Belt; and enforcement.

The Chief Planner commented that an update of Circular 1/94 was to be welcomed in that the provisions of the previous circular had failed to deliver adequate sites and had resulted in a significant increase in breaches of planning control. However, the Chief Planner felt that the proposed revised definition of gypsy required clarification both from the Council and the gypsy point of view. He felt that, as this was a countrywide problem, work should be undertaken with Planning Authorities locally to create a regional plan to provide adequate sites and that measures should not be pursued on an ad hoc basis. Government resources were required to assist local authorities in providing new sites and also to improving accommodation and facilities on existing sites together with a greater understanding of the needs and restraints, particularly for those areas on the fringe of London where groups of travellers wanted to settle. Reference was made in this regard to the recent encampment on Green Belt land in Bromley notwithstanding that under national planning guidance gypsy sites were not considered an appropriate use in Green Belt locations nor, consequently, on Metropolitan Open Land. It was felt that greater clarification was required by the Circular to ensure that the guidance was balanced and provided a proportionate assessment and co-ordination of the requirements for gypsy sites. The implications of this issue on the community at large was also commented on, particularly in relation to housing accommodation, and, as a consequence, it was felt that the draft Circular should be referred to the Social Care Health and Housing Portfolio Holder and Policy Development and Scrutiny Committee. The Chief Planner felt that clarification should be sought of the transitional arrangements before the completion of local housing needs assessments, as it was felt that a policy which had been supported through the UDP process should not be threatened by the new Circular Guidance. Overall, the draft Circular was considered to be unclear and of little benefit to either the Council or gypsies.

Members supported the comments expressed by the Chief Planner and felt that these views should be submitted as this Council's response to the consultation circular emphasising the need for the Government to produce proper sites. In the meantime, the Council would ensure the continued provision of existing sites for gypsies at Star Lane, St. Paul's Cray and at Old Hill, Maidstone Road together with the two sites at King Henry's Drive, New Addington and at Layhams Road for travelling show people. Reference was made to the Member

Working Party which had been set up last year following the assessment which had been carried out by G.L. Hearn consultants of the demand and potential for gypsy sites in the Borough and it was indicated that a response was still awaited from the Bromley Gypsy/Traveller Project. Reference was also made to the Mayor of London's Draft Supplementary Planning Guidance (Housing Provision) on the research being carried out into the regional housing needs of travellers and gypsies. Following the completion of further work, arrangements would be made for a meeting of the Member Working Party.

Members also referred and expressed their thanks to Mr Bob McQuillan (Head of Development Control) for the considerable efforts he had made in endeavouring to address the problems resulting from gypsy encampment in the Borough.

RESOLVED that

(1) the above views be agreed as this Council's response to the Government's draft Circular on Planning for Gypsy and Traveller Sites; and

(2) the draft Circular be referred to the Social Care Health and Housing Portfolio Holder and Policy Development and Scrutiny Committee for consideration in relation to the implications for housing accommodation.

**72 LAND AT FORMER RAF MARRIED QUARTERS, MAIN ROAD,
 BIGGIN HILL: REVISIONS TO DECISION NOTICE
 Report ELS05044**

An application for the proposed redevelopment of the former RAF Married Quarters at Main Road, Biggin Hill, had been granted by this Committee on 28th October 2004 (Minute 38(1)), subject to any direction by the Office of the Deputy Prime Minister, the prior completion of a Legal Agreement and the safeguarding objection being withdrawn. The Government Office for London had subsequently indicated that the Secretary of State would not intervene in the decision, and the safeguarding objection which had been raised by BHAL had been withdrawn. Details of the Legal Agreement were expected to be finalised shortly.

The Chief Planner reported that the revised plans which had been submitted by the applicants incorporating changes which had been requested by Members involved a reduction in the number of dwellings from 149 to 139, a reduction in the height of the blocks of flats and adjustments to the layout. These minor amendments had been included in the draft Decision Notice submitted with the Chief Planner's report. A revised Decision Notice incorporating additional amendments was circulated at the meeting where the Chief Planner also referred to a further marginal amendment required.

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RESOLVED that, subject to the prior completion of the Legal Agreement, outline permission notice be issued as per the revised draft Decision Notice DC/04/02322/OUT circulated at the meeting subject to the amendment made by the Chief Planner.

A.M. WILKINSON
Chairman

The meeting ended at 10.35pm.