

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 22nd July 2003

Present:

Councillor A.M. Wilkinson (Chairman)
Councillor Bloomfield (Vice-Chairman)
Councillors Katy Boughey, Jane Connor, Peter Dean, Peter Fookes, Gosst, Julian Grainger, John Holbrook, John Ince, Gordon Jenkins, Charles Joel, Mrs Anne Manning, Michael, Jenny Powell, Rod Reed and Bob Shekyls

Also Present:

Councillors John Getgood, David McBride and Martyn Reddin

24 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

An apology for absence was received from Councillor Clark. Councillor Julian Grainger attended the meeting as his alternate.

25 DECLARATIONS OF INTEREST

There were no declarations of interest.

26 MINUTES

RESOLVED that the Minutes of the meetings held on 14th May 2003, 3rd June 2003 and of the special meetings held on 3rd July 2003, excluding exempt information, be confirmed.

27 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

28 PLANNING REPORTS

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

1
BROMLEY TOWN
WARD

(03/01167/FULL1) Redevelopment of land currently occupied by Bristol Street Motors car dealership on Masons Hill, Bromley to provide a mixed use scheme comprising replacement car dealership premises and 81 residential units.
It was reported that the application had been amended by documents received on 26th June 2003.

It was reported that objections had been received. It was also reported that late written representations (in excess of 50) opposing the proposal had also been received.

Oral representations both in objection to, and in support of, the application were made at the meeting. Strong reservations over the proposal were also expressed at the meeting by a Ward Member and the written representations also opposing the scheme, which had been received from two other Ward Members who were unable to attend the meeting, were circulated to the Committee. The principal issues of concern were that the height of both the proposed private and affordable housing blocks were excessive; that the height, massing and design of the proposed development in conjunction with its proximity and orientation to the nearest properties in Prospect Place and Wendover Road would be visually intrusive to those properties; the proposed siting and extent of the forecourt parking area associated with the replacement car dealership would be visually unsightly and increase the commercial frontage onto Wendover Road; the development would give rise to the likelihood of increased congestion on Wendover Road in particular at the junction with Masons Hill; the position of the proposed access onto Wendover Road would give rise to vehicle movements detrimental to a number of properties in Wendover Road; and that the provision of designated parking spaces for the proposed residential units was inadequate. Concern was also expressed that the proposed position of the residential units relative to Masons Hill could result in high noise levels harmful to the residential amenities of prospective occupants.

The Chief Planner responded to the concerns expressed and commented on the details of the proposals. Whilst he was of the view that redevelopment of this site was appropriate in principle, he advised Members of the concerns regarding the scale of the scheme submitted and the proposal for commercial development onto Wendover Road. It was acknowledged that affordable and social housing units were required.

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

(1) the height of both the proposed private and affordable housing blocks at up to seven and five storeys, respectively, would be excessive in relation to the surrounding forms of development, having an overbearing and unduly prominent impact upon the townscape, contrary to Policies H.2, E.1, B/TS.1 and B/TS.2 of the adopted Unitary Development Plan and Policies H6, BE1 and BE13 of the second deposit draft Unitary Development Plan (September 2002);

(2) the height, massing and design of the proposed development in conjunction with its proximity and orientation to the nearest properties in Prospect Place and Wendover Road will be visually intrusive to these properties in terms of loss of light, prospect and privacy, and thereby detrimental to the level of amenity they should reasonably expect to enjoy, thereby contrary to Policies H.2, E.1 and B/TS.1 of the adopted Unitary Development Plan and Policies H6 and BE1 of the second deposit draft Unitary Development Plan (September 2002);

(3) the proposed siting and extent of the forecourt parking area associated with the replacement car dealership will be visually unsightly and increase the commercial frontage onto Wendover Road which would be harmful to the visual amenities of the street scene and those residential properties in closest proximity, contrary to Policies E.1 and B/TS.1 of the adopted Unitary Development Plan and Policy BE1 of the second deposit draft Unitary Development Plan (September 2002);

(4) in view of the emphasis placed on the proposed access into Wendover Road, the development will give rise to the likelihood of increased congestion on this residential road particularly at the junction with Masons Hill which, without significant improvement, would be injurious to conditions of highway safety, contrary to Policies T.3 and B/T.1 of the adopted Unitary Development Plan and Policy T2 and T14 of the second deposit draft Unitary Development Plan (September 2002);

(5) the position of the proposed access onto Wendover Road will give rise to vehicle movements in close proximity to No. 5 Wendover Road and those properties opposite detrimental to the level of amenity that they should reasonably expect to enjoy, thereby contrary to Policies H.2, E.1 and B/TS.1 of the adopted Unitary Development Plan and Policies H6 and BE1 of the second deposit draft Unitary Development Plan (September 2002);

(6) the provision of dedicated parking spaces for the proposed residential units is inadequate and will lead to indiscriminate parking elsewhere on the site and exacerbate on-street parking injurious to conditions of highway safety both on and off the site, contrary to Policy B/T.9 and Appendix V of the adopted Unitary Development Plan and Policy T3 and Appendix II of the second deposit draft Unitary Development Plan (September 2002); and

(7) the proposed position of the residential units relative to Masons Hill would result in prospective occupants being subjected to excessively high noise levels harmful to their residential amenities contrary to the advice in Planning Policy Guidance Note 24 (Planning and Noise 1994).

29 10 MANOR WAY, BECKENHAM (LAVENDER COTTAGE):
DRAFT PLANNING BRIEF
Report ES03202

Following the demolition of the above property, approval was sought for a planning brief to influence the future development of the site. A copy of the draft planning brief was submitted.

Subject to approval of the draft planning brief, a period of consultation would be held with the owner of the site, residents of the Manor Way Conservation Area, the Advisory Panel for Conservation Areas and any other interested parties. Comments made would be considered at a future meeting of this Committee and a final version of the planning brief be recommended to the Council's Executive for adoption as Supplementary Planning Guidance to the Council's Unitary Development Plan. The planning brief when approved would be an adjunct to, and would not supersede, the existing Supplementary Planning Guidance for the Manor Way, Beckenham Conservation Area which had been adopted by the Council in February 2000. As such it would be a material consideration to be taken into account when any planning application for development was received by the Council.

In recognising that the planning brief followed the footprint of the original building and would act as a safeguard as to the form of development of the site, a local Ward Member expressed support for the planning brief for consultation purposes. This view was endorsed by the Committee.

RESOLVED that the draft planning brief appended to the report of the Chief Planner be approved for public consultation.

**30 DRAFT PLANNING BRIEF FOR 11 - 13 BROMLEY COMMON
 Report ES03203**

The Chief Planner reported that the LIFT (Local Investment Finance Trust) status had been awarded jointly to Bromley, Bexley and Greenwich to support Primary Care Trusts and other organisations, including Bromley Council, in facilitating the modernisation of primary care facilities. The Beckenham Hospital site was one of the three sample schemes across the three Boroughs from which a private sector LIFT partner would be selected in the autumn and on which a draft planning brief for the redevelopment of the hospital site for clinical purposes had been agreed by this Committee at its meeting on 29th April 2003 (Minute 71).

The Strategic Service Delivery Plan, which had been produced jointly by the public sector LIFT partners, set out a number of other sites to be developed following the selection of the private sector partner. Nos. 11-13 Bromley Common, two locally listed properties, were one of these "first tranche sites" and a draft development brief had been prepared to facilitate the relocation of a local GP surgery and enable the integration with enhanced primary care services, in line with NHS modernisation. A copy of the draft development brief was submitted for Members' consideration and endorsement for public consultation with local residents and businesses, residents associations etc. No adverse comments had been received from either the local Ward Members or the relevant GP surgery. Any comments received from the consultation process would be considered at a future meeting of this Committee before a final version was recommended to the Council's Executive for adoption as Supplementary Planning Guidance. The brief would also ensure the restoration of these locally listed buildings leading to the enhancement of the Conservation Area.

RESOLVED that the draft planning brief appended to the Chief Planner's report be endorsed for public consultation.

**31 RAVENSBOURNE COLLEGE OF DESIGN AND COMMUNICATION:
 DRAFT PLANNING BRIEF - RESULT OF CONSULTATIONS
 Report ES03205**

At its meeting on 29th April 2003 (Minute 70) this Committee had endorsed the draft planning brief for the above site for public consultation. Consideration was now given to a report received from the Chief Planner setting

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out the results of the consultation process, suggesting a number of amendments to the brief and recommending its adoption by the Executive for development control purposes. The Chief Planner reported that a total of 384 representations had been received and reference was also made to further letters which had been received from the Chislehurst Society and the London Green Belt Council who had both indicated that Government guidance should be given more prominence in the brief, particularly in relation to maintaining the openness of the site. A schedule of all those who had made representations was also submitted. A summary was set out of the representations received, together with any resulting recommended changes to the planning brief. A copy of the brief, together with the proposed amendments indicated was also submitted.

“Pre-Inquiry changes” to the second deposit draft UDP, which had been approved by this Committee in February (Minute 47), had included the proposed designation of Ravensbourne College as a Major Developed Site (MDS). Once adopted for development control purposes, the brief would have the status of Supplementary Planning Guidance but only in relation to the proposed MDS designation which awaited to be considered at the UDP inquiry later this year. The brief was concerned principally with the potential residential redevelopment of the site and would provide a framework and mechanism against which any future applications would be assessed. In view of the designation of this site, specific attention was drawn to Annex C of PPG2 (Government Planning Guidance) which set out the approach which should be taken on Major Developed Sites in the Green Belt and Metropolitan Open Land.

Members gave detailed consideration to the representations which had been received and to the proposed changes to the draft brief. Various issues were raised and the officers answered a number of questions asked by Members. The amendments outlined were supported and further changes were also suggested.

RESOLVED that

(1) the representations received on the draft planning brief be noted and the proposed changes outlined be supported; and

(2) the Executive be recommended to adopt the brief for development control purposes, subject to the inclusion of the following amendments to the brief in relation to Annex C of PPG2:-

(a) further sentences be added to Paragraph 2.4 as follows:-

“Para C 13 states that redevelopment should not normally require additional public expenditure on the provision of infrastructure, including schools and health facilities. Adequate financial provision should be made for future maintenance of landscaped areas.” ; and

(b) the following words be added to the end of the first sentence of Para 8.2:-

“reflecting the guidance in Para C 13 of PPG2”; and

(c) cross-references to Annex C be added as appropriate to paragraphs 2.3, 4.10 and 5.3

(Mr Greg Ullman, Legal Adviser to the Committee, declared a personal interest in the above item and left the room during the discussion of the matter.)

32 ACTION TO PREVENT FURTHER DETERIORATION AT DOWNE COURT, CUDHAM ROAD, DOWNE Report ES03204

Downe Court was an historic manor house on the edge of Downe Village with a formal Georgian-style façade dating back to 1690 and possibly earlier. It was a statutory listed building and was significant within the context of the history of Downe. However, whilst the house had been substantially renovated during the 1960s, it was now vacant and had since fallen into considerable disrepair having been placed on the English Heritage Buildings at Risk Register at the end of 2001. In recent years, the Council had been informed of the Downe Residents' Association's concern over the state of the building but, in spite of a number of requests which had been made, had received no written indication of the owner's intentions for the building.

The Committee gave consideration to two options: (a) whether a Listed Building Repairs Notice under Section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 should be served on the owner specifying works to be undertaken which it was considered were reasonably necessary for the proper preservation of the building, or (b) whether an Urgent Works Notice under Section 54 of the above Act should be served enabling the Council to execute works which appeared to be urgently necessary for the preservation of the building. This latter option was rejected on the basis that it was a relatively short term solution and would not ultimately secure the future of the building on its own.

A Repairs Notice appeared to be the most effective means of securing the building's medium-long term future through a comprehensive refurbishment. Failure by the owner to carry out the works identified in the Notice would enable the Council to consider serving a Compulsory Purchase Order. A full structural survey would require to be undertaken in the first instance to identify the state of the building and the extent of the works that might need to be carried out. The Chief Planner advised that, having regard to the time limits specified in the procedures relating to a Repairs Notice, it would be most practicable for the survey to be carried out as soon as possible by the Council at an estimated cost of around £5,000 which could be met from within existing resources.

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The suggested line of approach was supported by the local Ward Member who requested that action should be taken as soon as possible in order to avoid an acceleration in the deterioration of the building which ultimately could lead to the collapse of part or all of the structure.

RESOLVED that

(1) the Council should proceed to serve a Repairs Notice pursuant to Section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to secure works reasonably necessary for the proper preservation of Downe Court;

(2) approval be given to the use of the Council's statutory powers under Section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to enable the Chief Planner, or his representative, to enter the building, and for the commissioning of a full structural survey and Schedule of Works to ascertain the condition of the building and the works needed to return it to good condition; and

(3) a further report be submitted to this Committee when the results of the survey are known.

33 CRYSTAL PALACE - HOUSE OF LORDS
Report BS03096

At its meeting on 29th April 2003 (Minute 75) the Committee had been informed that a hearing had been due to take place on 16th and 17th June 2003 in the House of Lords to consider the appeal by Ms Diane Barker to establish whether an environmental impact assessment was required at reserved matters stage following the grant of reserved and other matters in respect of a multiplex cinema on the Crystal Palace Top Site.

The Chief Legal Officer reported that, in the event, at a very late stage, the Government, through the Treasury Solicitor, had applied to become a party to the proceedings on the basis that it was national law that was under challenge as well as the Council's decision. It had also been indicated to the House of Lords that the European Court would shortly be considering a similar point in relation to this site following proceedings which had been brought against the Government by the Crystal Palace Campaign. As a result, the House of Lords had also referred the Diane Barker proceedings to the European Court of Justice for consideration and it was possible that the two sets of proceedings could be heard together although it was likely to be a year or more before any Court hearing took place. It was understood that the Government's Counsel had indicated that the European Commission and the UK Government were now the principal participants in this case. The cost of the two-day hearing in the House of Lords had been £20,000.

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The Chief Legal Officer recommended, however, that the Council should continue to be represented in the European Court for the following reasons:-

(i) if the Council were to withdraw from the proceedings now, costs in the High Court and the Court of Appeal which had been awarded to the Council could be at risk;

(ii) the Council did have an interest in the outcome of both sets of proceedings in the European Court were the Council required to revoke the planning permission;

(iii) it was proposed in the draft Unitary Development Plan that the site should be taken out of the Metropolitan Open Land. There might also be implications that could arise in respect of this; and

(iv) whilst not directly relevant in deciding whether or not the Council should continue to defend these proceedings, it was important to note that the case would also decide an important point of law.

Options were set out of the various forms which the Council's continued representation could take in the European Court.

Members supported the Council's continued representation in this case and, in noting the Government's position and its late intervention in the House of Lords hearing, felt that it should be requested to reimburse some of the costs which had been incurred in this case by the Council.

RESOLVED that

(1) having regarding to the reasons indicated above, arrangements be made for the Council to provide written submissions and to be represented at the hearing of this case in the European Court; and

(2) the Chief Planner be requested to write to the Office of the Deputy Prime Minister expressing the Council's concern at the Government's late intervention in these proceedings and, in the light of the Government's position, to seek reimbursement of some of the costs incurred by the Council in this case.

34 MONITORING REPORT ON THE SCHEME OF DELEGATION TO OFFICERS TO DETERMINE APPLICATIONS
Report ES03201

The Committee received a report reviewing the use of delegation over the 12 month period between April 2002 and March 2003. Annual monitoring reports had been submitted since the extended scheme of delegated powers for

the Chief Planner had come into operation at the end of February 1992. Over the past year, 88% of decisions (i.e. 3,665 out of 4,170) had been made under delegated powers. A comparison was made with the figures since 1991. During the current review period, 77% of delegated decisions had been made within eight weeks, the figure for all decisions having been 69%, and these figures compared with 73% and 63%, respectively, in relation to the 2001/02 review period. Reference was also made to the number of applications which had been permitted/refused under delegated powers in the study period resulting from objections which had been made and to the undefined number of "call-ins" which had been requested by Members.

It was recognised that the operation of extended delegated powers was an important part of the process of dealing with applications. The Chief Planner was of the opinion that the system continued to work well. The Planning Green Paper "Planning; Delivering a Fundamental Change", which had been published by the Government in December 2001, had included target proposals for local authorities whereby 80% of applications were to be determined within eight weeks whilst the amount of delegation should be increased to enable officers to determine 90% of all applications. Planning Delivery Grant would be available to those local authorities who improved planning performance against targets set by the Government for processing planning applications. The Chief Planner indicated that nearly all the Government targets were close to being met and that consideration of how such targets could be achieved had been reviewed in the Best Value report which had recently been submitted to the Environment Policy Development and Review Committee.

RESOLVED that the report be noted.

**35 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE
LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

RESOLVED that the Press and public be excluded during consideration of the items of business referred to in the following Minutes as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if Members of the Press and public were present there would be disclosure to them of exempt information.

**The following summaries
refer to matters
involving exempt information**

**36 10 MANOR WAY, BECKENHAM (LAVENDER COTTAGE):
PROSECUTION**

Further to Minute 29 above, the Committee considered the outcome of the prosecution proceedings which had been instituted by the Council following the demolition of the above property. Action was agreed with a view to seeking a change in the law affecting Conservation Area Consent for unlisted buildings.

**37 APPEAL DECISION - WALDENS FARM, CROCKENHILL ROAD,
SWANLEY**

The Committee agreed that this issue be considered as a matter of urgency as the statutory time limit within which any appeal to the High Court must be made expired before the next meeting of this Committee.

The outcome of the First Secretary of State's decision to grant temporary planning permission for the stationing of caravans/mobile homes on the above site was considered and it was agreed that no appeal should be made against that decision. The broader implications of this matter in relation to the provision of gypsy sites in the Borough were to be considered as part of a further report to be submitted to the Committee.

A M WILKINSON
Chairman

The meeting ended at 10.27 pm.