

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 16th December 2003

Present:

Councillor A M Wilkinson (Chairman)
Councillor Bloomfield (Vice-Chairman)
Councillors Katy Boughey, Clark, Jane Connor,
Peter Dean, John Getgood, Gostt, John Holbrook,
John Ince, Gordon Jenkins, Chris Maines,
Mrs Anne Manning, Michael, Rod Reed,
Bob Shekyls and Michael Turner

Also present:

Councillor Michael Tickner

59 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

Apologies for absence were received from Councillors Peter Fookes, Charles Joel and Jenny Powell. Councillors John Getgood, Michael Turner and Chris Maines attended the meeting as their alternates, respectively.

60 DECLARATIONS OF INTEREST

Councillor Rod Reed declared a prejudicial interest in Item 7 (High Hedges).

Councillors Chris Maines and Bob Shekyls declared a personal interest in Item 12 (Tesco Development at Station Road Car Park, Orpington).

61 MINUTES

RESOLVED that the Minutes of the meeting held on 14th October 2003 be confirmed.

62 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

63 CONSERVATION AREAS: ALEXANDRA COTTAGES - PROPOSED ARTICLE 4 DIRECTION

Report ES03371

Mindful that the special interest of the Alexandra Cottages

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Conservation Area had been harmed by unsympathetic alterations which had been carried out under permitted development rights, this Committee in June 2003 (Minute 12) had agreed that residents of this Conservation Area should be consulted over the possible use of an Article 4 Direction.

The outcome of the consultation was set out in a report received from the Chief Planner. An overwhelming number of the respondents had supported the use of an Article 4 Direction. The Chief Planner updated Members in that since his report had been prepared, a further four representations supporting this proposed course of action had been received. In addition, a letter from English Heritage had been received which supported an Article 4(2) Direction in view of the extent of erosion of character in the area. Support for the Article 4 Direction had also been received from the Alexandra Cottages Residents' Association and the Advisory Panel for Conservation Areas. The two local Ward Members also supported the proposed action.

The sort of changes that would need permission if an Article 4 Direction was in place included:

- Alterations to the roof including re-roofing where it fronted the road;
- erection, alteration or removal of chimneys;
- replacement of windows or doors or alteration to their size where they fronted the road;
- the constitution of a porch on the front or side of a house;
- new buildings or side extensions;
- creation of hard standings in front gardens;
- installation, alteration or replacement of a satellite dish;
- erection or demolition of a gate, fence or wall fronting the highway;
- painting the extension walls of a house.

It was therefore recommended that an Article 4(2) Direction covering Alexandra Cottages be designated in the light of the clear benefits that the Direction would provide in the protection of the unique and historic character and appearance of the Conservation Area. The increase in workload generated by an Article 4 Direction and its impact on staffing provision would need to be the subject of a further report.

RESOLVED that the outcome of the consultation be noted and that the Executive be recommended to agree to the designation of an Article 4(2) Direction for the Alexandra Cottages Conservation Area.

64 CONSERVATION AREAS: ALDERSMEAD ROAD ARTICLE 4 DIRECTION
Report ES03372

The Chief Planner reported that, in response to this Committee's decision (Minute 12 - 3.6.03) that the Council would consider the use of Article 4 Directions where there was a real and specific threat to an area's character, a group of residents in the Aldersmead Road Conservation Area had requested that consideration be given to the removal of certain permitted development rights in this case.

A subsequent assessment and survey had shown that inappropriate change was gradually harming the special interest of the houses within this Conservation Area. It was therefore recommended that a public consultation exercise be carried out in the New Year to gauge the amount of local support for an Article 4 (2) Direction which could be used to reverse these trends. As an alternative to this course of action, the Committee could take no action for the time being and, whilst continuing to monitor the position, could reassess the situation in three years time. The increase in workload generated by an Article 4 Direction and the impact on staffing provision would need to be the subject of a further report.

RESOLVED that the residents in the Aldersmead Road Conservation Area be consulted over the possible use of an Article 4 Direction in this case.

65 HIGH HEDGES
Report ES03369

There had been considerable publicity and public debate for several years about the problems of overgrown evergreen hedges. However, provision had been made in the recent Anti-Social Behaviour Act, based on criteria set out in the Chief Planner's report, enabling complaints to be made to local authorities, as a last resort, where owners had shown themselves reluctant to deal with problems of high hedges. It was anticipated that the regulations relating to the sections of the Act dealing with problem hedges would be drawn up and would come into force by the autumn of 2004. Where there was a problem hedge, failure to comply with a "remedial notice" would be an offence which carried a maximum fine of £1,000. A local authority would have powers to have the work carried out with the costs recoverable from the owner.

In response to Members' questions, the Chief Planner indicated that, whilst daily enquiries were being received, the scale of the problem in this Borough was, as yet, not known. It was proposed that a Press Release would be issued early in the New Year outlining the provisions of the new Act in this respect

and it was likely that this would give rise to an initial rush of complaints. In addition, arrangements would be made for the existing guidance leaflets on problem hedges to be circulated to Members and these would be updated when the new regulations came into force. A further report would be submitted to this Committee, including identifying how these matters would be dealt with at officer and Member level, once the content of the regulations was known.

RESOLVED that the present position be noted.

(Councillor Rod Reed declared a prejudicial interest in this Item and left the room for the discussion and voting thereon.)

66 DESIGN GUIDES AND IMPROVING DESIGN QUALITY
Report ES03370

This Committee at its meeting on 3rd June 2003 (Minute 11) had agreed that public consultation should be carried out with interested parties in relation to draft Supplementary Planning Guidance (SPG) which had been received.

A report was presented by the Chief Planner setting out the results of the consultation on the draft SPG on two matters, "General Design Principles" (SPG1) - which provided general guidance on the design of buildings and places in Bromley - and "Residential Design Guidance" (SPG2) - which gave advice and guidance on the design of residential buildings and areas in Bromley. These documents would supplement policies in the second deposit draft Unitary Development Plan (UDP) that related to these issues, primarily Policy H6 "Housing Design", and Policy BE1 "Design of New Development". The suggested alterations to the SPG, based on some of the comments from the public consultation, were indicated in Appendices 1 (General Design Principles) and 2 (Residential Design Guidance) to the Chief Planner's report. As this involved strategic policy, the views of this Committee on the final version of these documents would be referred to the Executive prior to a recommendation thereon being made to the full Council. The SPG would be published in the New Year and would be an important material planning consideration in the determination of planning applications.

Members considered the revised documents, SPG1 and SPG2, and the following suggested amendments were agreed:

- Appendix 1: Paragraph 2.2
 - amendment of heading to read as "What should be included within an application?";
 - deletion in the fourth line of the word "normally";

- insertion of additional bullet point after the first bullet point stating that “drawings must include adjoining properties to scale where appropriate”;
- inclusion in Appendix 1 of paragraph on “designing out crime” and that this should be cross-referenced to Appendix 2;
- penultimate sentence of introductory third paragraph to Appendix 2 be amended to read as “It can also help the Council achieve its housing targets in an ordered and carefully considered way and to help higher density development appear more appropriate within the local context.”.

The Government had published a number of documents and guidance into promoting good design in new development. Examples were set out in the Chief Planner’s report of the use of a list of standard conditions that covered a wide range of issues and to the use of informatives which could be used to warn about post-permission changes. In addition to these, the above Government documents had also suggested various other tools that local authorities could use to help deliver better design.

RESOLVED that

(1) the revised documents, SPG1 and SPG2, as set out in Appendices 1 and 2 to the Chief Planner’s report, be agreed, subject to the amendments indicated above, and be referred to the Executive for adoption;

(2) the use of standard conditions and informatives, as set out in Appendices 3 and 4 to the Chief Planner’s report, be noted; and

(3) the further tools, as indicated, available for improving design quality in the Borough be noted.

67 ADOPTION OF KENT DOWNS AREA OF OUTSTANDING NATURAL BEAUTY MANAGEMENT PLAN
Report ES03375

In accordance with the Countryside and Rights of Way Act 2000, this Council and its local authority partners had a statutory duty to adopt and publish a Management Plan for the Kent Downs Area of Outstanding Natural Beauty by 1st April 2004.

The Chief Planner presented a proposed Management Plan on which a consultation process had been carried out between September 2002 and

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February 2003. Details of the consultation process were indicated. A number of priority issues, as set out, had been identified through the consultation process and these were reflected in an Action Plan which accompanied the Management Plan. Overall, there was strong and positive support for the Action Plan, the final draft plan of which had been recommended for adoption by the Kent Downs AONB Executive, Local Authority Officers and The Joint Advisory Committee. The final text of the Management Plan had still to be agreed by the local authorities. Funding of the Management Plan was shared between the Government and the local authorities with the former, through the Countryside Agency, providing 75% of the core costs of planned production and a 50% for projects. The balance was met by the local authorities and Bromley had paid a contribution of £930 this year.

RESOLVED that

(1) in fulfilment of its statutory duties, the London Borough of Bromley adopts the Kent Downs AONB Management Plan;

(2) the date for adoption be 25th February 2004; and

(3) authority be delegated to the Chief Planner to accept any changes made by other local authorities during the adoption process.

68 SOVEREIGN HOUSE, ROYAL PARADE, CHISLEHURST

This Item had been withdrawn and would be considered at the Committee's next meeting.

69 CONTRIBUTING TO SUSTAINABLE COMMUNITIES - A NEW APPROACH TO PLANNING OBLIGATIONS

Report ES03378

The Government, by way of the Office of the Deputy Prime Minister, had recently published a consultation document entitled "Contributing to Sustainable Communities - A New Approach to Planning Obligations" which had sought views on planning obligations and Section 106 of the Planning Act as part of the on-going review of planning. A copy of the consultation paper had been placed in the Members' Room and would be sent to all Members of the Committee. Primary legislation was to be incorporated in the Planning and Compulsory Purchase Bill and a draft circular was also expected to be issued in early 2004. Comments on the consultation paper had been sought by 8th January 2004.

A report was received from the Chief Planner setting out the basis of the Council's suggested response. Members considered the report and felt that

the following points should also be included:-

- the difficulty of setting tariffs for areas of the Borough where contrasting characteristics and locations existed;
- the importance of supplying affordable housing on site to address local needs as opposed to receiving financial contributions from developers; and
- it was noted that the consultation document aimed to enhance the regional context of planning obligations and to address the concept of co-ordinating public services across the Council and other Boroughs.

Members were also of the opinion that the Council's response should include comments received from the Director of Social Services and Housing.

RESOLVED that, subject to the inclusion of the above views of Members and any comments from the Director of Social Services and Housing, the Council's response to the consultation document, as set out in the Chief Planner's report, be approved.

**70 TESCO DEVELOPMENT AT STATION ROAD CAR PARK,
ORPINGTON**
Report ES03377

The Chief Planner reported that a planning application had been received from Tesco for the redevelopment of the multi-storey car park at Station Road, Orpington. The application, which was in outline form comprised a part 5/part 6 storey building which proposed a Tesco store (8,709m²), a medical centre (542m²), 64 flats and servicing and car parking (approximately 930 spaces). The application had been advertised in the Press by site notices and local neighbour notification in accordance with normal planning procedures and separate news releases had been issued by both the Council and Tesco. An exhibition, which had been organised by Tesco, had also been held in the Orpington Village Halls in early December. The application was likely to be formally submitted to the next meeting of this Committee for consideration and Members' initial comments on the scheme, particularly in respect of its design and appearance, were invited at this stage. The Chief Planner reported that objections had already been raised to the principle of the development, to the design and scale of the building and traffic generation.

Members expressed concern over the problems that could occur during the course of construction since this part of Orpington would be deprived of off-

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street parking spaces, there could be congestion due to the delivery of materials and there could be increased on-street parking generated by construction workers. There were also issues concerning traffic management aspects of the scheme in the area - including the new traffic lights/access and egress points and delivery vehicles on Augustus Lane - which would have a consequential impact on the rest of Orpington. Members were of the opinion that these issues should be referred to the Environment Portfolio Holder to ensure that suitable arrangements were made by the relevant parties to reduce the impact of the development in the event of permission being granted.

Members also expressed concern about the restrictive forecourt area (as shown on the illustrative plans which had been submitted) at the entrance of the store fronting Station Road. The Chief Planner indicated that this concern would be drawn to the attention of the applicant. He also commented, in response to a Members' questions, that external consultants' advice was being sought on whether or not an Environmental Impact Assessment was required and that this advice would also cover an audit of the Transport Impact Assessment which had been submitted by Tesco.

RESOLVED that the present position in relation to the above proposal be noted and that the various issues of traffic management and car parking provision indicated be referred to the Environment Portfolio Holder for consideration and report back to this Committee's next meeting.

(Councillors Chris Maines and Bob Shekyls declared a personal interest in this Item.)

A M WILKINSON
Chairman

The meeting ended at 8.55 pm.