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DATE: 28 January 2010

To: Members of the
DEVELOPMENT CONTROL COMMITTEE

Councillor Alexa Michael (Chairman)
Councillor Peter Bloomfield (Vice-Chairman)
Councillors Eric Bosshard, Katy Boughey, Martin Curry, Peter Dean, Robert Evans,
Simon Fawthrop, John Getgood, Jennifer Hillier, Gordon Jenkins, Charles Joel,
Anne Manning, David McBride, Gordon Norrie, Harry Stranger and Michael Turner

A meeting of the Development Control Committee will be held at Bromley Civic
Centre on **TUESDAY, 9TH FEBRUARY, 2010 AT 7.00 PM**

MARK BOWEN
Director of Legal, Democratic and
Customer Services.

Public speaking on Planning Reports is a feature at meetings of the Development Control Committee and Plans Sub-Committees. It is also possible for the public to speak on Contravention Reports and Tree Preservation Orders at Plans Sub-Committees. Members of the public wishing to speak will need to have already written to the Council expressing their view on the particular matter and have indicated their wish to do so to Democratic Services **by no later than 10.00 a.m.** on the working day before the date of the meeting.

The inclusion of public contributions, and their conduct, will be at the discretion of the Chairman. Such contributions will normally be limited to two speakers per proposal, one for and one against, each with three minutes to put their point across.

For further details, please telephone **020 8313 4745**.

A G E N D A

1. **APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS**
2. **DECLARATIONS OF INTEREST**
3. **CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 12TH JANUARY 2010 (Pages 3 - 10)**
4. **QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

To hear questions received in writing by the Legal, Democratic and Customer Services Department by 5pm on Wednesday 3RD February 2010 and to respond.

5. PRESENTATIONS ON "PRINCIPLES OF URBAN DESIGN", "BUILDINGS FOR LIFE" AND "BETTER STREETS"

Presentations are to be made to the Committee by representatives of Urban Design London, followed by discussion, on the following themes:

- "Principles of Urban Design";
- "Buildings for Life" (the national design standard for well-designed homes and neighbourhoods); and
- "Better Streets" (the Mayor of London's recent publication as part of the *Great Outdoors* programme which suggests design principles and stages of intervention to inform streetscape enhancement projects).

There are no attached reports.

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 12th January 2010

Present:

Councillor Michael (Chairman)
Councillor Bloomfield (Vice-Chairman)
Councillors Eric Bosshard, Katy Boughey,
Martin Curry, Peter Dean, Robert Evans,
Simon Fawthrop, John Getgood, Gordon Jenkins,
Charles Joel, Mrs Anne Manning, David McBride,
Gordon Norrie, Harry Stranger and Michael Turner

70 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

No apologies had been received.

71 DECLARATIONS OF INTEREST

There were none.

72 MINUTES

RESOLVED that the Minutes of the meeting held on 1st December 2009 be confirmed.

73 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

74 ADDITION TO LOCAL LIST: 4-6 LILLIE ROAD, BIGGIN HILL Report DRR1000014

The Chief Planner reported that the above properties were examples of holiday bungalows which dated from around 1930 and of which few survived in this area. English Heritage had decided that, whilst these buildings did not merit Statutory Listing, they were of local interest. The Committee, therefore, considered a report from the Chief Planner which proposed that nos. 4 and 6 Lillie Road, Biggin Hill should be added to the Council's Local List, subject to the outcome of consultation with the owners of

these properties. Plans showing the location of these properties were circulated at the meeting. A local Ward Member (Councillor Norrie), who was also a member of this Committee, supported this proposal.

RESOLVED that consultation be held with the owners of nos. 4 and 6 Lillie Road, Biggin Hill in relation to the proposal that these buildings be added to the Local List.

**75 REVISED DRAFT SUPPLEMENTARY PLANNING DOCUMENT
(SPD) ON PLANNING OBLIGATIONS
Report DRR1000001**

The Chief Planner submitted the revised draft Supplementary Planning Document (SPD) on Planning Obligations which sought to provide guidance on the requirements and mechanisms for Section 106 planning obligations to development proposals in the Borough. Public consultation on the original draft SPD (which had been prepared in October 2007) had been delayed pending the Government's decision on the Community Infrastructure Levy (CIL). However, the Government's plans for the CIL, which had been made public and had been consulted upon (Minute 49 – 20.10.09) last autumn, had clarified the position regarding Section 106 agreements and the revised draft SPD had therefore been updated to reflect this position.

RESOLVED that approval be given for the revised draft Supplementary Planning Document (SPD) on Planning Obligations to be published for public consultation purposes.

**76 RESPONSE TO THE CONSULTATION ON PERMITTED
DEVELOPMENT RIGHTS FOR SMALL SCALE RENEWABLE
ENERGY INSTALLATIONS
Report DRR1000015**

The Department for Communities and Local Government was consulting on proposals to grant permitted development rights in England for specified small scale renewable energy and low carbon technologies and for electric vehicle charging infrastructure. The Council's comments thereon were required by 9th February 2010.

The Committee considered a detailed report received from the Chief Planner and the suggested response to the summary of consultation questions set out in Annex C of the report. The restrictions set out in the consultation were considered likely to be effective in suitably protecting amenities where permission was not required and, in general, the proposals

were supported. However, Members questioned the extent that development should be allowed, particularly in relation to wind turbines on domestic and non-domestic premises, within the Green Belt (including the proposed UNESCO World Heritage Site at Downe), Metropolitan Open Land, Areas of Outstanding Natural Beauty, Conservation Areas and Areas of Special Residential Character, as this could have a negative impact upon the character and openness of sensitive areas which established policy sought to protect. Members were also concerned over the need for protection for neighbours from noise disturbance, the resources required for enforcing noise output in particular and over the enforcement of some of the criteria within the suggested permitted regime.

RESOLVED that the proposals be supported in general, subject to the amendment of the Council's response to include, as appropriate, the concerns as set out above.

**77 THE LONDON PLAN DRAFT REVISED INTERIM HOUSING SUPPLEMENTARY PLANNING GUIDANCE: DRAFT CONSULTATION
Report DRR1000012**

The replacement London Plan would not be published until the winter of 2011/12. As an interim measure, the GLA had produced a draft revised interim Housing Supplementary Planning Guidance (SPG) for consultation. The draft interim SPG would provide guidance on to how to implement the existing London Plan and provided guidance on three areas: back garden development, housing density and quality and affordable housing targets. A report was received from the Chief Planner which set out the suggested basis of the Council's response to the GLA's consultation for the Committee's consideration

Member comments were expressed that the proposed levels of parking were still inadequate. Objections were also raised in relation to the proposal that account needed to be taken of the planned social composition of a development.

RESOLVED that the basis of the Council's suggested response to the draft revised interim Housing Supplementary Planning Guidance (SPG), as set out in the Chief Planner's report, be approved, subject to the amendment of the "comment" set out in Paragraph 3.24 to read as follows:

"LBB have objected to the parking standards in the current London Plan on the grounds that they do not provide sufficient parking,

particularly in areas where car ownership and usage is high. Similarly, changing the parking standards based on social composition would also have a negative effect in these areas.”

**78 LOCAL DEVELOPMENT SCHEME: VERSION 4 (2009)
Report DRR1000013**

The Local Development Scheme (LDS) was the project management document for the production of the Local Development Framework. Consideration was given to a report received from the Chief Planner, which was also to be submitted to the Executive on the 3rd February 2010, in relation to a revised LDS which took account of the changing resources and management structure within the Planning Division, in particular, the Planning Strategy and Heritage Team which had been formed in February 2009.

The changes referred to above had affected the current timetable for the development of the Core Strategy, the Bromley Town Centre Area Action Plan (BTAAP) and the other Local Development Documents proposed. The most advanced of these documents was the BTAAP, one of the Council's key priorities, which had been submitted to the Secretary of State for Communities and Local Government in November 2009 and on which a hearing to examine the soundness of the plan was to take place during March and April 2010. A pre-examination meeting with the Inspector was to be held on 26th January 2010 and it was likely that the Inspector would require the timetable for the BTAAP to be consistent with that for the adoption of the LDS.

In response to a Member's question, the Committee was informed that the engagement of consultants would be financed from the Housing Planning and Delivery Grant allocated by Central Government and not from within the Council's budget. Members strongly considered that the terms of reference for the future use of such consultants should be referred to this Committee before any consultants were appointed.

RESOLVED that the Executive be informed that, together with the above comments, this Committee considers the revised Local Development Scheme to be acceptable as the formal management document for the production of the Local Development Framework.

**79 ECONOMIC DEVELOPMENT AND EMPLOYMENT LAND STUDY
Report DRR1000011**

The Chief Planner reported that GVA Grimley Limited had been commissioned in 2008 to undertake an Economic Development and Employment Land Study to provide an evidence base for the Local

Development Framework (LDF) and to establish priority actions for the Council and other key partners over the medium and long term (to 2025). The study entailed the establishment of economic and employment priorities and challenges; the balance of employment land across the Borough (quantitatively and qualitatively); and contained recommendations, and an economic development action plan and actions in support of those recommendations. A copy of the study had been placed in the Members' Room. The Committee gave consideration to the Executive Summary attached to the report of the Chief Planner and, in particular, to the employment land recommendations contained in the report.

In response to a Member's question, the Chief Planner indicated that the land referred to in the Grimley Study was defined in two forms: (i) the designated industrial land located at Kangley Bridge, Beckenham and in St Mary Cray, and (ii) land that was in use for employment purposes but which fell outside the above designated areas. The Chief Planner indicated that it was this latter form of land that was being lost at a significant rate to non-employment use, primarily for residential purposes. In this connection, he indicated that Grimley had recommended that the Council needed to strengthen its policy to protect employment land from other uses and, to this end, drew Members' attention to the suggested policy set out in paragraph 3.4 of the Chief Planner's report which could be taken into account in the preparation of options for the Core Strategy later in 2010. He pointed out that such a policy would not be applicable to land on the edge of town centres where retail use was more to do with the vitality of the area than with employment.

A Member enquired as to the location of the proposed employment growth around Biggin Hill Airport and indicated that the appropriate recommendation in the Grimley report needed amending to emphasise that any new development at the airport for employment use needed to be airport related in accordance with the terms of the lease. Members also commented on the opportunity for infill/redevelopment potential of a number of existing allocated sites indicated in the report and felt that consideration also needed to be given to protecting the amenities of local residents.

RESOLVED that the employment land recommendations contained in the GVA Grimley Limited Economic Development and Employment Land Study be supported subject to the following amendments:

- (1) the following wording be added to the end of the third recommendation – “Any new development at the airport for employment use should be airport related in accordance with the terms of the lease.” and**

(2) the following wording be added to the end of the fifth recommendation – “whilst, at the same time, ensuring the protection of local amenities.”

**80 REPORT OF THE SECTION 106 PDS WORKING GROUP
Report LDCS10001**

At its meeting on 3rd December 2009, the Executive and Resources PDS Committee had received the report of the Working Group which it had set up to investigate how Section 106 agreements were dealt with in Bromley and to recommend improvements to these processes. The PDS Committee had endorsed the report and had referred it both to this Committee and the Executive (on 13th January 2010) for consideration.

Members considered a covering report received from the Chief Planner and the seven recommendations contained in the full report of the Working Group which had been circulated to all Council Members separately. Overall, with the exception of Recommendation 5, the Committee supported the Working Group’s recommendations, subject to some suggested minor amendments. Recommendation 4 would be considered as part of the consultation process on the revised draft Supplementary Planning Document (SPD) on Planning Obligations.

RESOLVED that the comments of this Committee, as set out below, in relation to the recommendations of the Section 106 PDS Working Group be referred to the Executive for consideration:

Recommendation 1: Supported – the Committee felt that the distribution of the Section 106 money should be open and transparent.

Recommendation 2: Supported – the Committee considered that reference to specialist consultants should be deleted.

Recommendation 3: Supported.

Recommendation 4: Supported.

Recommendation 5: Not supported - the Committee considered that this is not something that can be undertaken through the Section 106 process.

Recommendation 6: Supported.

Recommendation 7: Supported – but the Committee considered that the words “where appropriate” should be added.

**81 PLANNING APPEALS: COSTS DECISIONS, 2009
Report DRR100003**

At its meeting on 10th February 2009 (Minute 71) the Committee had received a report on the revised circular on costs awards in planning appeals and other related proceedings. A further report had been submitted to the Committee at its meeting held on 21st April 2009 (Minute 95) which had provided details of all costs awards since 2007 and the reasons for the award of costs in planning appeals. The Committee received a further report from the Chief Planner which provided an update on all costs awards during 2009 and the Chief Planner provided an update at the meeting in relation to one particular case.

Reference was made to the impact of the changes to the appeals system which had taken effect from April 2009. Costs awards remained relatively rare but in local planning authorities with a high appeals workload such as in Bromley, the number of claims against the Council could be significant. Factors which had persuaded Planning Inspectors to award costs against the Council in 2009 were set out. However, despite the high number of appeals received in Bromley, the Council's performance in defending appeals had been maintained with 64% of all appeals having been dismissed, which was in line with the national average. This level of performance had been maintained since the beginning of 2009. The trend was for the number of claims for costs in planning appeals to increase with the current level of expenditure of £60,000 predicted to rise to £100,000 by the end of the current municipal year. The Chief Planner indicated that provision of £150,000 had been made in next year's budget but indicated that, as the Executive had recently agreed that appeal costs would be a corporate charge, this would no longer be a cost to the planning budget.

RESOLVED that the report be noted.

ALEXA MICHAEL
Chairman

The meeting ended at 8:15 p.m.

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