

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 25 May 2010

Present:

Councillor Alexa Michael (Chairman)
Councillor Charles Joel (Vice-Chairman)
Councillors Reg Adams, Douglas Auld, Eric Bosshard,
Katy Boughey, Lydia Buttinger, Peter Dean, Simon Fawthrop,
Peter Fookes, Will Harmer, John Ince, Russell Jackson,
Paul Lynch, Anne Manning, Russell Mellor and Richard Scoates

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

No apologies for absence were received.

2 DECLARATIONS OF INTEREST

As a sitting Magistrate, Councillor Simon Fawthrop declared an interest in 39 Selby Road (one of the case studies presented in Item 6 - Enforcement Update).

3 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 16TH MARCH 2010

RESOLVED that the Minutes of the meeting held on 16 March 2010 be confirmed.

4 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

5 PLANNING REPORT (on green paper)

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

1. CHELSFIELD AND PRATTS BOTTOM WARD	(10/00844/FULL1) Demolition of north-east and south-west wings of school and alterations to central block. 2 single storey extensions to provide replacement classrooms and children and family centre (including replacement nursery) with hard play area and 18 car parking spaces at The Highway Primary School, The Highway, Orpington.
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The Chairman did not view the application as contentious on the basis that the design of the proposed development would 'sit comfortably' with the remainder of the school buildings; the land was not protected land and no objections to the application had been received.

Ward Member, Councillor Russell Jackson (who was also a Member of the Committee), spoke in support of the application.

One Member emphasised the need for any mature trees on site to be protected. The Chief Planner drew Members' attention to page 13 of the report which included the following paragraph:- 'With regard to trees, the tree reports describe the trees on the site and the impact of the proposed development. It is considered that no significant trees will be lost as a result of the proposal.'

It was suggested that if the application were to be approved, a slab level condition should be imposed.

The Chief Planner confirmed that a full schedule of materials to be used for external surfaces had been received on 17 May 2010. It was suggested that Condition 4 be amended to reflect this.

One Member highlighted the unique design of the proposed development and was pleased to note that if the application were to be granted, the development work would not adversely affect the normal day-to-day activities of the school.

Members having considered the report **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner with Condition 4 being amended to read:-

"4 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and/or drawings unless otherwise agreed in writing by the Local Planning Authority."

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

A further condition concerning slab levels was also added to read:-

"11 Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

6 ENFORCEMENT UPDATE

Report LDCS10085

In 2008 the Chairman reviewed the effectiveness of planning enforcement in Bromley and had made recommendations for improving enforcement service delivery. The current report provided a further update and suggested ways in which effectiveness could be further improved.

A presentation was given by the Development Control Manager and members of the Planning Legal Team who explained the procedures for investigating and rectifying breaches of planning control. Five case studies were shown to Members including 'before' and 'after' photographs of sites where a breach had been identified and the type of action that had been taken to rectify the breach.

In relation to paragraph 3.34 of the report, Members agreed that monthly enforcement updates be provided to individual Members on the complaints they had raised or had been involved with. It was also agreed that the frequency of the enforcement monitoring reports submitted to DC Committee should be increased from bi-annual to every quarter.

RESOLVED that:-

- 1) monthly enforcement updates be provided to both (i) individual Members in relation to the complaints they had raised or had been involved with and (ii) other Members in the ward where the nature of the complaint was located; and**
- 2) the frequency of the enforcement monitoring reports submitted to DC Committee be increased from twice yearly to every quarter.**

7 SIDE SPACE POLICY (H9)

Report LDCS10085

The Chairman considered an updating report on side space policy and the methods by which applications are determined.

Since August 2008, all applications involving a breach of side space policy had been reported to Committee. The report proposed a return to delegation procedures whereby all applications involving a breach of side space policy would be decided under delegated powers unless called in to Committee by a Ward Member or referred to Committee by the Chief Planner.

The Chairman was concerned that some applications were for development on protected land or in conservation areas and would therefore need special consideration. A second Member commented that a total of 47 applications

had been decided at Committee which, over a 20 month period, did not equate to a vast amount.

Although a number of Members were in favour of returning to the system for determining applications under delegated powers it was agreed upon a vote to continue with the current arrangements of reporting breaches of side space policy to Committee.

RESOLVED that:-

- 1) **the report be noted; and**
- 2) **all applications involving a breach of side space policy continue to be reported to Committee.**

8 CONSULTATION ON DRAFT PPS - PLANNING FOR A LOW CARBON FUTURE

Report DRR10/00052

A new draft Planning Policy Statement (PPS) "*Planning for a Low Carbon Future*" published for consultation by the Government proposed to combine elements of, and replace, two existing PPS's - the supplement to PPS1 on climate change, and PPS22 on renewable energy. The consultation period would end on 1st June 2010 and a suggested response was appended to the report before the Committee.

To reflect Member concerns for policies and designations to protect local heritage assets and the character and quality of local areas, it was agreed that a further sentence should be added at the end of paragraph 3 of the Council's response stating that:

"This policy will undermine efforts of local authorities to maintain characteristics of Conservation Areas, Areas of Special Residential Character, Locally Listed buildings and other similarly designated areas and buildings."

Concerning the fourth paragraph of the proposed response and areas which would need to be strengthened, it was felt that reference should be made to an additional strain that would be placed on Council staff when already stretched.

RESOLVED that the draft response be agreed subject to the above comments being taken into account.

9 CONSULTATION ON DRAFT PPS - PLANNING FOR A NATURAL AND HEALTHY ENVIRONMENT

Report DRR 10/00050

A draft Planning Policy Statement (PPS) '*Planning for a Natural and Healthy Environment*' had been published by the Government for consultation. It was intended that the new PPS would replace:

- PPS 9 - Biodiversity and Geological Conservation
- Planning Policy Guidance (PPG) 17: Planning for Open Space, Sport and Recreation
- the parts of PPS 7 - Sustainable Development in Rural Areas relating to landscape protection, soil and agricultural land quality and forestry and
- PPG 20: Coastal Planning.

The draft PPS took account of the commitment in the 2007 White Paper, *Planning for a Sustainable Future* to streamline existing PPGs and PPSs and separate out policy from guidance. It reflected the objective of bringing together related policies on the natural environment and on open and green spaces in urban and rural areas to ensure that the planning system delivered healthy sustainable communities which would adapt to and were resilient to climate change and would give an appropriate level of protection to the natural environment.

The consultation period would end on 1st June 2010.

Those responding were asked to provide their response by way of Yes/No replies and comments to a number of questions - draft replies were appended to the report before the Committee along with draft comments as appropriate.

Having considered the replies, the Committee agreed that: the second sentence of the comment in reply to question 2 should be amended to read:

“Development should be the minimum necessary for genuine ancillary facilities only and all nonessential facilities (e.g. additional function rooms or indoor leisure) should be treated as inappropriate development.”

It also agreed that a comment should be inserted in reply to question 4 to reflect that *“plain english wording should stress the need for preservation and maintenance of green open spaces which could include rear gardens as well as sites.”*

RESOLVED that the suggested response be approved taking account of the comments above.

10 DRAFT LONDON PLAN - EXAMINATION IN PUBLIC

Report DRR100053

Members considered a report outlining the timetable for Bromley's participation in the Draft Replacement London Plan Examination in Public (EIP) due to commence on 28th June 2010. The purpose of the Examination at City Hall was to provide an opportunity for a structured discussion and testing of the DRLP before an independent panel appointed by the Secretary of State for Communities and Local Government.

The Panel had published a Draft List of Matters and Participants setting out (1) the timetable for considering discussion matters and (2) participants selected for discussion against each DRLP policy. It was possible for anyone to observe the proceedings from the public gallery without participating in discussion.

From the draft list an indication was provided of dates when officers might be expected to attend City Hall, along with up to thirty others, to participate in discussion of the matter for each particular policy. Bromley could participate in about 30 of the policy discussions (out of 122 policies in the DRLP) covering areas where the Council had made specific comment.

There were several policies where Bromley was expected to 'hot seat' with other London Boroughs and for these cases arrangements would be made with the Panel Secretary to engage in discussion if considered necessary. In other discussions a more limited number of Boroughs had been invited to participate and "hot seating" would not be necessary.

Although in the original Draft List Bromley was excluded as a participant in matters under Policy 2.16 - *Strategic Outer London Development Centres (SOLDC)*, a request was subsequently made to include Bromley as a participant given that Biggin Hill was referred to in the policy as a potential SOLDC. A finalised list of Matters and Participants was expected to be published in late May.

Written statements could be provided to the Panel (although these were not necessary if the points were already covered in the original response) and priorities for Bromley attendance and participation were recommended in the report before the Committee.

Members considered the timetable and felt that priority for attendance and participation in discussion should be given to the following:

- Opportunity Areas and Intensification Areas and Annex 1 (6th July)
- Strategic Outer London Development Centres (6th July)
- Aviation (10th September)

- Parking (13th September)
- Increasing Housing Supply and Table 3.1 (5th October)
- Gypsies and travellers (11th October)

Accordingly Members felt it was important that London Councils allow Bromley representatives an opportunity to attend and participate in examination of the above matters. It was also recommended that written statements should be provided as appropriate on the above priorities for Bromley.

RESOLVED that the Executive be asked to agree the above priorities for attendance and participation in the London Plan EIP along with provision of written statements as appropriate.

11 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000

12 CONSULTATION BY DEPARTMENT FOR TRANSPORT REGARDING PROPOSED "SECURITY IN DESIGN OF STATIONS (SIDOS) GUIDE"

Report DRR10/00049

Members were asked to agree responses to a proposed Department for Transport consultation referring to certain security matters.

RESOLVED that the Council's proposed responses to consultation questions be agreed and forwarded to the Department for Transport.

The Meeting ended at 9.35 pm

Chairman