

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 31 August 2010

Present:

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

Also Present:

Councillor Julian Grainger

24 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

Apologies for absence were received from Councillors Eric Bosshard and Peter Fookes. Councillor Kathy Bance attended as Councillor Fookes' alternate.

25 DECLARATIONS OF INTEREST

Councillors Lydia Buttinger and Russell Jackson declared a prejudicial interest in Item 5 (Planning report relating to 50-52 Shortlands Road, Shortlands). They left the room and did not take part in the discussion or vote.

26 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 22 JULY 2010

RESOLVED that the Minutes of the meeting held on 22 July 2010 be confirmed and signed as a correct record.

27 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

28 PLANNING REPORTS

The Committee considered the Chief Planner's reports on the following planning applications:

1. CHELSFIELD AND PRATTS BOTTOM WARD	(10/01078/FULL1) Replacement single storey one form entry primary school (including nursery class) with 42 car parking spaces and extension to playing
--------------------------------------	--

	field. Retention of scout building with car park. 9 detached/linked detached houses with attached garages at Holy Innocents RC Primary School, Mitchell Road, Orpington.
--	---

Oral representations in support of the application were received. Oral representations from Ward Member, Councillor Julian Grainger in objection to the application were received at the meeting.

It was reported that late objections had been received.

Comments from Sport England in objection to the application were reported.

The following areas of concern were raised and discussed by Members:-

- the impact of the reduction of housing units from 22 to 9;
- car parking issues; and
- the impact upon open urban space;

Members having considered the report, objections and representations **RESOLVED that PERMISSION BE REFUSED** for the following reasons:-

1. The proposal constitutes a cramped overdevelopment of the site by virtue of the size, layout and bulk of the buildings, and the amount of site coverage by buildings and hard standings, and would harm the character of the area, thereby contrary to Policies BE1 and BE2 of the Unitary Development Plan.
2. The proposed development, by reason of the siting and encroachment on to designated Urban Open Space, would have a detrimental impact on the open nature of the site, thereby contrary to Policy G8 of the Unitary Development Plan.
3. The proposal would result in a significant part of the existing playing field being redeveloped to facilitate school buildings, thereby contrary to Policy L6 of the Unitary Development Plan.
4. The proposal would result in car parking provision being inconveniently positioned for users of the church and other community uses, thereby contrary to Policies C1 and C8 of the Unitary Development Plan.

2. SHORTLANDS WARD Conservation Area	(10/01276/VAR) Variation of condition 5 of permission ref 04/00477, granted for single storey rear extension to No. 52 and change of use of No's 50 and 52 from residential (Class C3) to children's day nursery (Class D1) with 3 car parking spaces at front, to allow up to 60 children to be accommodated at any one time (RESTROSPECTIVE APPLICATION) at 50-52 Shortlands Road, Shortlands, Bromley.
--	--

Oral representations in objection to and in support of the application were received at the meeting.

The specific areas of concern discussed by Members were:-

- the increase in traffic;
- the impact on parking;
- the loss of amenity space; and
- noise levels.

Members having considered the report, objections and representations **RESOLVED that PERMISSION BE REFUSED** for the following reason:-
The proposed increase in the number of children attending the playgroup would be detrimental to the amenities of adjacent and nearby residents by reason of the additional noise and disturbance generated, contrary to Policy BE1 of the Unitary Development Plan.

It was **FURTHER RESOLVED that ENFORCEMENT ACTION BE AUTHORISED TO SECURE COMPLIANCE WITH CONDITION 5 OF THE PERMISSION GRANTED UNDER REFERENCE 0400477 WHICH LIMITS THE USE TO 32 CHILDREN.**

29 "MY UNRULY FRIENDS" - TREE PRESERVATION ORDERS

Mrs Coral Gibson, Principal Trees Officer, gave a presentation on Tree Preservation Orders (TPOs) within the Borough.

The Heritage and Urban Design Section deals with trees on private property as opposed to the Environmental Services Department which is responsible for trees on highways land.

TPOs are legally binding documents issued to protect trees at risk from being excessively pruned or felled. In instances where the felling of a protected tree is granted, the owner could be required to replace the tree. Any type of tree can be protected.

A total of 2,535 TPOs have been issued within the Borough, 56 of which were issued in 2009.

Mrs Gibson highlighted some of the problems caused by trees to footpaths and properties and also outlined some of the problems which affect trees themselves.

Penalties could be imposed for felling or damaging a tree which is protected by a TPO. The maximum fine in a Magistrates' Court is £20,000 and may be substantially more if a case is heard in a Crown Court; however, evidence of deliberate destruction would need to be proven.

Permission to fell a tree is not necessary if the tree becomes dangerous or dies due to certain circumstances, such as an 'Act of God' e.g. the tree is hit

by lightening. The Authority could, however, be liable to pay compensation to owners if it is proved that a protected tree has caused damage to their property or land.

A question and answer session followed.

The Chairman thanked Mrs Gibson for an interesting and informative presentation.

30 LINK BETWEEN LICENSING AND PLANNING

Paul Lehane, Food, Licensing, Occupational Health and Safety Manager, gave a presentation highlighting the work undertaken by the Licensing Team and how part of that work links in with planning.

The majority of work is centred around the Licensing Act 2003. Mr Lehane informed Members of the various types of venue and activity which require a licence. Ideally, planning permission should be in place before a licence is granted but is not a legal requirement; however, the Secretary of State's guidance states that applications for premises licences for permanent commercial premises should be submitted by businesses where planning consent has been granted. Mr Lehane then went on to give examples of areas of licensing which link in with planning and those which do not. He stipulated that licensing committees are not bound by decisions made by a planning committee and vice versa.

There is a clear and robust tie-in with planning where the vast majority of licensing applications involve alcohol (currently 700 licences exist within the Borough).

Mr Lehane responded to various questions from Members.

The Licensing team liaise closely with Licensing Officers based at Bromley Police Station who are able to object to applications on the basis of crime and disorder.

The Chief Planner endorsed the need for the Planning and Licensing Teams to work closely together. He commented that decisions were based on appropriate legislative areas which they should continue to refine.

Councillor Mrs Manning commented that in some cases planning policies and licensing policies could have an impact on one another; where this occurs, a report should be submitted for consideration by the General Purposes and Licensing Committee and the Development Control Committee.

The Chairman thanked Mr Lehane for an interesting and informative presentation and stated she was mindful of the need for the planning and licensing teams to work closely together.

31 ENFORCEMENT - QUARTERLY MONITORING REPORT

The first quarterly enforcement monitoring report for the year 2010/11 was submitted for Members to note. The report outlined the number and type of enforcement notices issued during the period 1 January 2010 to 30 June 2010.

The Chief Planner brought Members up-to-date on the current position of the significant enforcement cases highlighted on pages 31 and 32 of the report.

It was reported that the number of enforcement complaints received varied little from one year to the next.

With regard to staffing, the Chief Planner reported that the vacancy for a third Investigation Officer would be filled shortly and that a vacancy incorporating a shared duty of Technical Clerk/Appeals Technical Clerk would be explored later in the year.

One Member requested an update on the current situation with regard to Kings Hall Road. The Chief Planner commented that this was not a matter for the Local Authority as the land was privately owned; the onus was on the owner of the land to obtain a Court Order. The Chief Planner agreed to keep Members informed.

It was reported that in some instances where direct action is taken, a charge is placed on the land. An interim charge could also be applied beforehand and where this occurred, a potential purchaser would be able to see there was a charge pending against the property.

RESOLVED that the report be noted.

32 THE MAYOR OF LONDON'S STATEMENT ON THE LONDON PLAN TARGETS

The report advised Members of the Mayor's Statement to the Examination regarding London Plan targets.

The Council had responded to the draft alterations to the London Plan and had objected to the proposed housing targets. Members were requested to consider the suggested amendments to Policy 3.3 (Increasing Housing Supply) set out in Appendix 2 of the report.

It was reported that most other London boroughs continued to object to the proposed housing targets and the GLA had issued a response indicating that there had been a lack of consultation and that the target should be reduced to a figure of 500; a higher target is likely to jeopardise Green Belt land.

Councillor Mrs Anne Manning suggested the following further amendment to page 39, Appendix 1 (*Chapter Three - Policy 3.3: Housing supply*):-

- **Policy 3.3: Housing supply:** The Mayor has considered the need to retain London wide housing provision monitoring targets particularly carefully. He has come to the conclusion that because of the Mayor's particular strategic responsibilities and priorities for managing and coordinating housing growth sustainably in London, and the importance of housing supply to London as a whole and to the delivery of the whole range of economic, social and environmental priorities, he supports their continued retention. While London is generally accepted to be a single housing market area, Borough boundaries adjacent to county authorities have some relevance to housing market issues for Outer London Boroughs. Planning for housing in London is therefore more than a local issue, and the Mayor considers that this supports a strategic, citywide approach - particularly given his statutory strategic housing responsibilities.

The Chairman's suggested amendments to the London Plan wording at Appendix 2 were reported. Members agreed to the amendments.

Councillor Simon Fawthrop proposed that the maximum parking standards set out in the addendum (Chapter 6 - Policy 6.13: Parking), be abolished and replaced with minimum standards. The proposal was seconded and agreed by the Committee.

RESOLVED that the report be noted and that the representations (set out in Appendix 2) to the Mayor regarding the targets contained within the London Plan be amended to read:-

"Suggested changes to replacement London Plan wording

Policy 3.3 Increasing housing supply

3.18 Table 3.1 provides authoritative *indicative* borough housing targets, which at LDF examinations in public may be supplemented by publicly accessible land availability information and such other information as boroughs may wish to provide. These are, however, indicative figures based on an assessment of the potential levels of housing development that could be potentially secured but these are subject to local considerations in the context of development proposals and changes in local policies. The indicative targets should not be used as binding to weigh in the favour of schemes that boroughs consider inappropriate or unacceptable based on their own local policies. There is the issue of the local environment in each Borough such as Green Belt and other protected land sites which will be undermined by prescriptive housing supply targets. In addition reliance should not be placed on the particular source of housing supply. There should be no weight attached to whether indicative targets are being met through new build, change of use or house conversions. Further details on derivation of the targets are set out in the SHLAA/HCS report. ~~The Mayor will produce supplementary guidance on implementation of these targets.~~

3.21 The SHLAA/HCS methodology provides for phasing of development of individual sites in the future however, this needs to be the subject of local considerations and regarded flexibly in that context. ~~However, an a~~ Annual monitoring targets based on the average indicative potential capacity estimated to come forward over ten years may not fully reflect unique uncertainties in housing output arising from the impact of the current economic recession and local considerations including changes in local policies. ~~Borough may wish to highlight the implications of these uncertainties for achievement of their targets in their Annual Monitoring Reports (AMR), drawing on the strategic context provided by the SHLAA/HCS report of study, the London Plan AMR and forthcoming Housing SPG.~~

33 BROMLEY TOWN CENTRE CONSERVATION AREA STATEMENT

Members considered the draft Conservation Area Statement for Bromley Town Centre. Although there was no significant change in direction to the current Supplementary Planning Guidance it was updated with regard to recent English Heritage Guidelines and provided additional guidance with regard to the Bromley Town Centre AAP.

Members were requested to authorise the commencement of a public consultation period for the plan.

Councillor Mrs Anne Manning considered that as certain parts of the Civic Centre site has a history going back nearly 1,000 years and in particular the Old Palace and grounds directly linked to the building, this should be included in the Statement. The Chief Planner reported that the Inspector had considered the site but did not propose to include it. Members were requested to inform Peter Martin of any grammatical errors found which would be included within the Management Plan.

RESOLVED that the commencement of a public consultation period for the plan be authorised.

34 ADOPTION OF THE BROMLEY TOWN CENTRE AREA ACTION PLAN

Members considered the recommendations and timetable for adoption of the Bromley Town Centre Area Action Plan (AAP) as set out in the Inspector's report.

The AAP has been completed and a formal hearing took place during March/April 2010. A final binding report had been received from the Inspector who concluded that with a limited number of changes the AAP satisfied legal requirements and is sound.

A grammatical error on page 76 of the report was noted as follows:-

In the second column of the table which refers to Section 4.6.1 the word "will" at the end of the first line should be omitted.

Members were informed that if they did not agree to the Inspector's report then the Authority would be acting outside of the law.

Councillor Manning expressed her gratitude (and Members agreed), for the work carried out by the Bromley Civic Society which resulted in two areas of the Civic Centre site being specifically protected and placed on the Statutory List.

RESOLVED that:-

- 1) the main recommendations of the Inspector's report and the timetable for adoption as set out in paragraph 4.3 of the report be noted; and**
- 2) the valuable work carried out by the Bromley Civic Society be noted.**

Councillor Fawthrop's contrary vote to resolution 1) was noted.

The Meeting ended at 10.20 pm

Chairman