

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 13 January 2011

Present:

Councillor Alexa Michael (Chairman)
Councillor Charles Joel (Vice-Chairman)
Councillors Reg Adams, Douglas Auld, Nicholas Bennett J.P.,
Katy Boughey, Lydia Buttinger, Peter Dean, Simon Fawthrop,
Peter Fookes, Ellie Harmer, Russell Jackson, Kate Lymer,
Paul Lynch, Mrs Anne Manning and Richard Scoates

63 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

Apologies for absence were received from Councillors Eric Bosshard, John Ince and William Harmer; Councillors Nicholas Bennett J.P., Kate Lymer and Ellie Harmer attended as their alternates respectively. An apology for absence was also received from Councillor Russell Mellor.

64 DECLARATIONS OF INTEREST

There were no declarations of interest.

65 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 23 NOVEMBER 2010

Page 8, second bullet point - response to question 3

This was an inaccurate record of the reported comment. Members agreed that the wording be deleted.

Subject to the above amendment, Members RESOLVED that the Minutes of the meeting held on 23 November 2010 be confirmed and signed as a true record.

66 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

67 PLANNING REPORTS

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

1. CRYSTAL PALACE WARD Conservation Area	(10/02629/FULL2) Change of use of public house (Class A4) and car showroom to a 2 screen cinema with ancillary foyer and café/bar provisions at Grape And Grain, 2 Anerley Hill, Anerley, London SE19.
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Oral representations in objection to the application were received at the meeting. Members were informed that the proposed cinema would have a 254 seat capacity.

Comments from the architects in support of the application were circulated to Members.

Mr Tony Stewart, Development Control Manager, informed Members that numerous objections to the application had been received concerning the loss of the public house together with suggestions that the cinema be located elsewhere. Mr Stewart stipulated that the Local Authority must consider the application from a planning point of view only (primarily whether the use is an appropriate one for the site) and could not take into account style of management or alternative locations for the cinema.

It was reported that further letters in objection to and in support of the application had been received.

The applicant had agreed to the hours of operation set out in the report.

Mr Stewart informed Members that concerns relating to the intensification of the site and forecourt parking could be dealt with by conditions. A 'Secure By Design' condition had also been recommended.

Councillor Fookes commented that the report contained no information about parking in the surrounding area and questioned whether a bar facility would be provided. In light of the above, Councillor Fookes proposed that the application be deferred to consider the issues further.

Several Members voiced their concern with regard to on site parking, in particular the inadequacy of disabled parking where only one space would be made available. Councillor Fawthrop seconded the proposal for deferral to consider the parking issue further.

Other Members referred to the excellent public transport facilities available and had no objection to the application. Councillor Joel proposed permission of the application. This was seconded by Councillor Mrs Manning who was pleased to note that the former car showroom building would be in use again.

Members having considered the report, objections and representations, voted on the motion to defer the application. The motion fell at 4-11 against.

Members then voted on the motion to permit the application and **RESOLVED that PERMISSION BE GRANTED (10-3 in favour)** as recommended, subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.
REASON: Section 91, Town and Country Planning Act 1990.

2. Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

REASON: In order to comply with Policy T7 and Appendix II.7 of the Unitary Development Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

3. The existing access shall be stopped up at the back edge of the highway before any part of the development hereby permitted is first occupied in accordance with details of an enclosure to be submitted to and approved in writing by the Local Planning Authority. The approved enclosure shall be permanently retained as such.

REASON: In order to comply with Policy T11 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.

4. The use shall not operate before 09.00 am and after 11.30 pm on any Sunday to Thursday or any Bank Holiday, nor before 9.30 am and after 11.30 pm on any Friday to Saturday.

REASON: In the interests of residential amenities.

5. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission and there shall be no subsequent changes to the external elevations or internal layout of the building without the prior written approval of the Local Planning Authority.

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

6. The premises shall be used as a 2 screen cinema and ancillary café bar only and for no other purpose without the prior written approval of the Local Planning Authority.

REASON: In the interest of the amenities of nearby residential property.

7. Details of the soundproofing measures within the building to achieve a reasonable resistance to airborne sound shall be implemented before the use hereby permitted commences in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and shall be permanently retained thereafter.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and to ensure a satisfactory standard of amenity for adjacent properties.

8. Details of the forecourt layout to include 2 (possibly 3), disabled parking spaces and the location and layout of the motorcycle parking shall be submitted to and approved by the Local Planning Authority and the forecourt

shall be arranged in accordance with the approved details before commencement of the development hereby approved and thereafter shall be kept available for such use.

REASON: In order to comply with Policy T3 and T18 of the Unitary Development Plan and to avoid development without adequate parking provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

68 FORMER BLUE CIRCLE SITE: JOINT USE EDUCATION PAYMENT (JUEP) 106 CONTRIBUTION

The report was withdrawn from the agenda to be considered at a meeting of the Executive on 2 February 2011.

The report would subsequently be submitted for consideration by DCC Members at a meeting to be held on 8 February 2011.

69 HERITAGE ASSETS

Members considered a report which outlined the work of the Property Division in respect of the care and maintenance of Council-owned Statutory Listed Buildings and locally listed buildings.

The report outlined the conditions (Grades A-D) and priority classifications (Grades 1-4) awarded to each element of a building during inspection by a surveyor/engineer. The grading criteria, set down in accordance with Government guidelines, was used to form the basis of a 5-year planned maintenance programme from which future works were established. Due to current financial pressures, only work identified under conditions C or D and priorities 1-3 would be considered for inclusion on the plan.

The report also contained a list of sites/buildings where refurbishment or maintenance work had recently been undertaken.

Although Members were pleased to receive the report, Councillor Mrs Manning was disappointed to note that a more comprehensive list of the assets owned by the Council and the condition of the buildings/sites, including those that are statutorily listed, locally listed and within Conservation Areas had not been included. For this reason, Councillor Mrs Manning proposed a motion for deferral. Councillor Russell Jackson seconded the motion.

The Chairman said she would have preferred to see a list of the buildings/sites which required work, together with the priority grading attributed to each one and requested that this information be provided in the future report.

Councillor Bennett J. P. suggested that a future report contain a list of heritage street furniture, i.e. post boxes, telephone boxes etc. Mr Peter Martin, Head of Strategy and Renewal, confirmed that there was a limited amount of listed street furniture; however, there is potentially a significant

amount of unlisted street furniture that may have some heritage merit. Members made several suggestions on ways in which the public and Ward Members could be encouraged to report street furniture within their area. Mr Martin agreed to look into the matter further.

Councillor Adams suggested (and Members agreed), that the report to be submitted to the Committee on Council owned buildings contained information on the methods used by the Council to ensure that buildings/sites are removed from the Heritage at Risk Register.

RESOLVED that the report be DEFERRED pending the submission of a fuller and more comprehensive list of the assets owned by the Council (including buildings that are statutorily listed, locally listed and within Conservation Areas), outlining their current condition and priority rating of work to be carried out. Consideration will also be given to including heritage The report to be submitted to a future meeting of the DCC.

70 PLANNING LEAFLETS AND INFORMATION FOR THE PUBLIC

Members considered the Planning Division's 9-month strategy to review and update all planning leaflets and fact sheets which were currently available to the public in paper format. In line with the policy of reducing avoidable contact, members of the public would, in future, be encouraged to visit the Council's website where the information required would be available to view or download online.

The report set out a list of existing documents which required updating together with a list of new topics and a brief description of the type of information to be included. A draft copy of one updated planning leaflet had been circulated to Members.

The Chairman was pleased to see the report as a large number of leaflets needed to be updated. The process should be completed by the end of September 2011.

Councillor Fawthrop questioned the statement within paragraph 3.6 that hard copies of leaflets could be made available at the Civic Centre. As one of the objectives was to reduce the amount of paper-based information, Councillor Fawthrop suggested (and Members agreed), that the wording should be more clearly defined. The statement should therefore be amended to read:-
"...A downloadable version of the information will be available online and hard copies will be available on demand".....

Councillor Mrs Manning welcomed the report and offered to assist the Planning Department with any advice on the topics to be included for information purposes. Councillor Mrs Manning suggested (and Members agreed), that the following two topics should also be included:

- information on front gardens and drives; and
- guidance on the type, position and size of structures in back gardens.

Members agreed that priority should be given to those listed at the top of the list in the report and that the following leaflets should also be given priority:

- Enforcement Planning Control;
- Areas of Special Residential Character;
- Conservation Areas; and
- Listed and Locally Listed Buildings.

Councillor Adams suggested that a full set of leaflets should be made available in every library.

RESOLVED that Member comments be noted and that the 9-month strategy to replace current fact sheets be agreed.

71 PLANNING ENFORCEMENT - MONITORING REPORT 2010

Members considered a report which provided an update on planning enforcement, primarily for the final quarter of 2010. The report also provided an overview of enforcement activity and highlighted a number of cases which were successfully concluded throughout the year. Staffing levels were also reported.

Referring to paragraph 3.8, the Chairman voiced her concern that there would only be two investigating officers after the retirement of the third officer in March 2011 (not May as reported). The Chairman was also disappointed to learn that back-up work was being undertaken by the Appeals Section since the Technical Clerk retired in July 2010 and the vacancy had not been filled.

Councillor Auld agreed with the Chairman; he proposed (and Members agreed), that all avenues should be explored to bring the enforcement section up to a better level of staffing.

Councillor Scoates commented that the Enforcement Section played an integral role in the work of the Local Authority.

Councillor Scoates also referred to the action being taken on Archies Stables, Cudham Lane North and enquired how much money the Local Authority had spent on legal proceedings to date. Mr Stewart replied that he was unaware of the total spent so far and reported that action had been delayed due to an appeal being lodged.

RESOLVED that the report be noted and that all avenues should be explored to bring the enforcement section up to a better level of staffing.

72 PLANNING APPEALS - MONITORING REPORT 2010

The report provided an update on planning appeals statistics for the period October-December 2010. As requested by Members at the previous DCC

meeting held on 23 November 2010, the report also addressed concerns about the operation of the Householder Appeals Service ('fast track' appeals) and provided a summary of the various methods for determining appeals.

Referring to page 51, paragraph 3.7, Mr Martin informed Members that only the following information was sent to the Planning Inspectorate:-

- questionnaire containing the applicants details;
- a copy of the appeal file, including third party and other correspondence, drawings and forms; and
- the officer's report with grounds of refusal.

As the Inspectorate does not accept any documents subsequent to refusal, Members agreed that grounds of refusal should be elaborated within the reasonings of the report and that visiting Ward Members who speak to applications at Committee should be encouraged to let Planning Officers have a written copy of their speech before the meeting which could then be placed on file and submitted to the Inspectorate.

It was reported that the Chief Planner had written to the Planning Inspectorate outlining the Council's concerns that under the FTA process members were not permitted to contact the Inspectorate and that the Council could no longer submit a written statement to accompany the reason(s) for refusing an application. To date, no response had been received. Councillor Fawthrop suggested that a further letter be sent to the Planning Inspectorate.

With reference to paragraph 3.12, Members agreed that it would be interesting to receive a report giving statistical information of applications which had gone to appeal when Members had voted against officer recommendations.

RESOLVED that the report be noted and a further report giving statistical information on applications which had gone to appeal when Members had voted against officer recommendations be submitted to a future meeting of the Committee.

73 THE LOCALISM BILL

The Localism Bill was published on 13 December 2010. Members were asked to comment on specific parts of the Bill (listed below) which involved changes to the planning system:

- Part 1, Chapter 4 - Predetermination;
- Part 5 - Planning;
- Part 7 - London.

The following comments were made by Members:-

Page 55, paragraph 3.3 - Part 1, Chapter 4, Predetermination

Having noted that Councillors would be free to campaign, express views on issues and vote on matters without fear of being unjustly accused of having a closed mind on a particular issue, Members were nonetheless still aware of the need to be seen to take a decision fairly and to be wary of what was said in front of members of the public. One Member stated that Councillors had a quasi-judicial role and as such, an expressed intention to oppose an application could leave a Councillor open to legal challenge.

Page 55, paragraph 3.4, Part 6 Planning - Local Plan Reform

Clarification was sought on the meaning of the final sentence. Mr Martin informed members of the proposal to streamline monitoring documents i.e. the Annual Monitoring Report which would no longer need to be submitted to the Department of Communities and Local Government but would still need to be published and made available to the public.

Page 55, paragraph 3.4, Part 5 Planning - Neighbourhood Planning

The words 'communities' and 'neighbourhood' should be clearly defined. One Member wished to know what exactly constituted a community and whether a residents association could be deemed as such. The Chairman was concerned about the extra resources, both human and financial, which would be needed to draw up neighbourhood plans and hold referenda when necessary.

Page 56, paragraph 3.6, Part 7 London

In response to a Member question of what was the role of a Mayoral Development Corporation (MDC), Mr Martin explained that the role of the MDC was to bring about the regeneration of an area. The Mayor could designate an area to become a Mayoral Development Area anywhere in London and he would have extensive planning powers for that site.

RESOLVED that the comments above be noted.

74 PROPOSALS FOR CHANGES TO PLANNING APPLICATION FEES CONSULTATION

At a meeting of the Executive Committee held on 8 December 2010, Members endorsed the responses to a consultation document outlining proposals for changes to planning application fees, namely to decentralise the responsibility of setting fees to local planning authorities. The Chairman of DCC had attended the Executive meeting and had spoken in support of decentralisation. As the consultation ended on 7 January 2011, there had

been insufficient time for Members of Development Control Committee to consider the document first.

Members were asked to note the report and contents of the attached appendices.

The Chairman was pleased to note that the local planning authority supported the higher fee charge for retrospective applications.

Referring to the response to Question 1 (page 63), Councillor Joel asked how the Council would define the words 'non-profit making'. Mr Stewart explained that the Council had to cover the cost of an application from start to finish. A record was kept by the Planning Division including time spent by Highways and other regular consultees so an idea of the total cost of an application could be established.

RESOLVED that the report and contents of the appendices be noted.

75 DRAFT ANNUAL MONITORING REPORT: 2009/10

The Planning and Compulsory Purchase Act 2004 requires an Annual Monitoring Report to be submitted to the Secretary of State through the Department of Communities and Local Government (DCLG), by the end of December each year. A draft Annual Monitoring Report for 2009/10 had been submitted to the DCLG which Members were asked to endorse.

The Head of Planning Strategy and Projects, outlined the contents of the report and informed Members that the introduction of the Localism Bill would remove the Council's requirement to submit future annual monitoring reports to the DCLG although a report would still need to be published and made available to the public.

The Chairman was informed that a new housing supply document would be published to take account of the revised housing build target as outlined in the London Plan.

Councillor Mrs Manning queried why the report did not cover the full breadth of the planning department's work. Officers advised that the Annual Monitoring Report is prepared to specifically meet the requirements of the Secretary of State to detail progress made against the Local Development Scheme and the monitoring of policies. It was not intended to be a report of planning work in the Borough which would be far more extensive.

Concern was raised that the retail spectrum was broader than just the town centres listed within the report. Members were informed that the list contained only those centres which were specifically designated within the Unitary Development Plan. However, as part of the preparation of the Core Strategy, a review of all local parades would be undertaken and the information could be made available to Members as the review progressed.

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RESOLVED that the draft Annual Monitoring Report 2010 be endorsed for formal submission to the Secretary of State to meet the requirements of the Planning and Compulsory Purchase Act 2010.

The Meeting ended at 8.55 pm

Chairman