

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 17 November 2011

Present:

Councillor Peter Dean (Chairman)
Councillor Charles Joel (Vice-Chairman)
Councillors Douglas Auld, Eric Bosshard, Katy Boughey,
Lydia Buttinger, John Canvin, Simon Fawthrop, John Getgood,
John Ince, Russell Jackson, Kate Lymer, Mrs Anne Manning,
Russell Mellor, Alexa Michael, Richard Scoates and
Pauline Tunncliffe

Also Present:

Councillors Michael Tickner and Stephen Wells

27 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

An apology for absence was received from Councillor Peter Fookes; Councillor John Getgood attended as Councillor Fookes' alternate.

28 DECLARATIONS OF INTEREST

Councillors Mrs Anne Manning, John Ince, Katy Boughey, Richard Scoates and Peter Dean all declared an interest in Item 5 as they had accepted hospitality from Kent County Cricket Club (KCCC). Councillor Mrs Manning's husband was a non-voting member of KCCC and Councillor Ince was a former non-voting member.

29 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 8 SEPTEMBER 2011 AND THE SPECIAL MEETING HELD ON 29 SEPTEMBER 2011

Councillor Kate Lymer had submitted an apology for absence for the meeting held on 29 September 2011; this had not been recorded.

Subject to the amendment above, Members **RESOLVED** that the **Minutes of the meeting held on 8 September 2011 and the Minutes of the special meeting held on 29 September 2011 be confirmed and signed as a true record.**

30 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

The following questions were submitted in writing by Mr Peter Whiteland in relation to Item 5 of the agenda - planning application for Kent County Cricket Club:-

- 1) *Would a dangerous precedent not be set for further development on Metropolitan Open land in the Borough if planning permission is granted to this application on the grounds of tenuous “very special circumstances”, given that the planning report identifies four fundamental areas in which the application doesn’t meet planning legislation?*
- 2) *Given that one argument of the “very special circumstances” case is that the site is currently loss making, would it be appropriate for public planning legislation to be overridden so that two private companies (KCCC and Leander Sports and Leisure Ltd) can generate profits by building on Metropolitan Open Land?*
- 3) *Another argument of the “very special circumstances” case is continued sporting use. However, does the Committee agree that the application will lead to less sport being played at the ground with the loss of 6 football pitches (including 2 on the “unused” area of land) and 1 cricket pitch?”*

In response, the Chairman stated that all three questions related to material planning considerations which the Committee would have regard to before determining the application.

Mr Whiteland did not attend the meeting and would, therefore, receive a written response.

31 PLANNING REPORTS

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

Ward	Description of Application
Copers Cope	(11/02140/OUT) 3 detached buildings for use as indoor cricket training centre/multi-function sports/leisure facility, health and fitness centre and conference centre. Spectator stand for 2000-3000 people. Car parking. All weather/floodlit pitches. 48 detached houses OUTLINE at Kent County Cricket Ground, Worsley Bridge Road, Beckenham.

Oral representations in objection to the application were received from Mr John Cossa, resident of Worsley Bridge Road who spoke on behalf of a local protest group.

Mr Cossa referred to Policy G2 of the Unitary Development Plan in relation to development of Metropolitan Open Land and to paragraph 3D.10 of the London Plan. Taking these paragraphs into account, Mr Cossa believed there were no

special circumstances for the ground to be changed from sport and recreational to housing use.

Mr Cossa then referred to the Supplementary Design and Access Statement and commented on the proposed scheme in general. He ended his representations by outlining the reasons why he thought the application should be refused.

Oral representations in support of the application were received from Mr Andrew Braddon, Chairman of Leander Holdings Ltd. Mr Jamie Clifford, Chief Executive of Kent County Cricket Club (KCCC) was also in attendance.

Councillor John Ince asked whether the applicant would be prepared to reduce the amount of new build by amalgamating two buildings into one. Mr Braddon replied that having analysed four projects over the last two years, the application before Members was the minimum amount of build required to make the project sustainable in the forthcoming years.

Mr Braddon informed Members that 26.5% of the land would be used for the proposed application, of which 10.6% would be residential build. The figure of 26.5% included all sports buildings, houses, gardens and highways.

In response to a question from Councillor Simon Fawthrop, Mr Clifford agreed that profit made from the sale of the residential units would enable the club to become sustainable.

Mr Clifford stated that with the new scheme in place, the indoor facilities would attract an increase in participation and although the cricket programme changed year on year, he envisaged an increase in the amount of first class cricket played in the Borough.

Mr Clifford confirmed that four football pitches would be lost if the application was granted.

In response to a question from Councillor Mrs Manning in relation to the lack of affordable housing, Mr Braddon confirmed that, as agreed by the Council's auditors, no offer in lieu of affordable housing would be made.

Councillor Russell Jackson asked Mr Clifford how he proposed to balance membership levels with the rising costs associated with county cricket. In response, Mr Clifford stated that the club would be playing a certain number of games and that infrastructure costs on a day to day basis were high. However, players were on short-term contracts and due to the current economic climate, player salaries were decreasing.

Mr Braddon informed Members that funding in the form of grants had been sought but with a negative result. Grant applications took a long time to process and as a commercial operation, the club could not afford to wait. Mr Clifford confirmed that little funding was available.

Councillor Katy Boughey asked if the profit made from the sale of the units within the housing scheme would be invested in the future of KCCC. Mr Braddon replied that financial appraisals had been undertaken and a business plan had been externally audited. KCCC would not make a profit from the residential scheme, the money generated would form the basis for the construction of the development.

In response to a general question from Councillor Charles Joel, Mr Braddon confirmed that KCCC/Leander would pay for the supply and erection of the new rear boundary fence and the extension of the side division fences together with any costs associated with the changes to the title deeds of any house owners who were affected.

The Chief Planner informed Members that 28 letters of support had been received (mainly from residents of the Gallery and Pavilion flats). A letter from the Chairman of the Gallery and Pavilion Residents Association was reported at the meeting.

A letter from the auditors employed by the Council was also reported at the meeting. In conclusion the auditors had no difficulty in accepting the application as it stood.

A letter from Sport England was read at the meeting. Sport England commented that notwithstanding the additional information received, there were insufficient details to satisfy the question of whether the scale of the redevelopment proposed was required to ensure viability. Sport England therefore asked that the application be deferred until the applicant had provided a full and detailed Playing Field Mitigation Strategy.

The Chief Planner reported that all highways, environment agency and viability issues had been, or could be, resolved by mitigating conditions. It was noted that the application had been amended by documents received on 20/10/11, 24/10/11, 15/11/11 and 16/11/11.

Members were reminded that although certain elements of the development were inappropriate, they were being asked to make a decision based on very special circumstances and, if the application were to be permitted, it would be subject to the Direction from the Mayor of London. The development would also be subject to certain conditions, together with a Section 106 Legal Agreement, the terms of which were reported at the meeting.

Oral representations in objection to the application were received from Ward Member Councillor Michael Tickner. Councillor Tickner was aware of the concerns raised by the Greater London Authority, Transport for London, Sport England and local residents. Several objections were raised by residents whose view would be spoiled by the construction of the housing scheme however, Councillor Tickner acknowledged that the right to a view was not a material planning consideration.

Councillor Tickner thanked Leander and KCCC for their excellent public relations skills.

The following issues were raised by Councillor Tickner:-

- No undertakings had been received from KCCC that more county cricket matches would be played;
- The question of whether commercial viability was a direct concern for planning law;
- Whether the proposal was purely an application to build on Metropolitan Open Land (MOL);
- Concern that should permission be granted, it would set a precedent for other developers to submit applications;
- Concern that should permission be granted, there was no assurance that the developers would not submit further applications to build additional housing;
- Members had not seen the economic viability document;
- Lack of affordable housing with no re-provision offered elsewhere; and
- Loss of playing fields.

In conclusion, Councillor Tickner believed the application did not warrant very special circumstances and asked Members to refuse the application.

Councillor Russell Mellor noted that the application consisted of both appropriate and inappropriate development and acknowledged the need for very special circumstances to be determined. Councillor Mellor had some concern with regard to the proposed housing scheme however in support of the application, he stressed that KCCC was responsible for a first class cricket pitch and it was imperative that KCCC be permitted to remain in situ. He commented that if permission was granted, the new facilities and extra cricket matches played would generate additional revenue to support the continued use of the site.

Councillor Simon Fawthrop proposed a motion for refusal on the grounds that the development on MOL was too great and it was imperative that MOL be preserved.

The Chairman commented that KCCC was the third best cricket ground in London and that its uniqueness was a "jewel in the Borough's crown". He added that although there were some concerns, he believed that very special circumstances did exist and he proposed a motion to permit the application.

On the grounds that there would be a loss of sporting facilities and that the intensity of the housing scheme and conference facilities were too great, Councillor Lydia Buttinger seconded the motion for refusal.

Councillor Charles Joel believed that as cricket playing was seasonable, there were fair grounds to redevelop the site to attract additional sports. Councillor Joel stated that the three new buildings would be isolated and independent of

each other and would be surrounded by openness, foliage and trees. Councillor Joel seconded the motion for permission.

Councillor Mrs Anne Manning stated that if KCCC ceased to exist, it would be a great loss to the young people of the Borough as KCCC worked closely with many schools in the area.

Councillor John Getgood was concerned about the loss of four football pitches and in order for the issue of affordable housing to be considered further, Councillor Getgood favoured a deferral of the application.

Councillor Katy Boughey was disappointed to note that not all material documents had been made available to Members before the meeting, in particular the figures set out in the viability study. Councillor Boughey therefore proposed a motion for deferral of the application in order that those documents could be considered. Councillor Getgood seconded the motion for deferral.

A vote in favour of refusing the application was defeated at 8-9.

A further vote in favour of permission was defeated at 6-8.

Following a third vote in favour of deferral, Members **RESOLVED that the application BE DEFERRED without prejudice to any future consideration, for Members to give fuller consideration to all material documents including the financial viability document.**

32 ADDRESSING RISING HOMELESSNESS AND HOUSING NEED AND ASSOCIATED BUDGETARY PRESSURES

At a meeting held on 27 September 2011, the Adult and Community PDS Committee (A&C PDS Committee) and Portfolio Holder considered the current housing market supply and need position within Bromley and the proposed initiatives and direction undertaken to address the disparity between that need and supply which had resulted in an increased use and cost of temporary accommodation and associated budgetary pressures.

As part of its recommendation, the A&C PDS Committee resolved that the report be referred to the Development Control Committee meeting for members to note matters raised within the report and to consider what action the Council could take to assist when developing and applying its planning policies.

Councillor John Getgood emphasised the Borough's need for more affordable housing and to ensure that housing standards were met at all times.

Councillor Fawthrop suggested that one way of alleviating the pressure of housing supply would be for housing associations to implement the right to buy schemes and he emphasised the need for social housing to be kept in good repair.

Councillor Michael stated that the Council had exceeded its targets to supply new housing and considered that the Council should not be held responsible if developers were not constructing new builds.

Councillor Michael enquired about the progress made in providing accommodation above shop premises and whether the Council still sought volunteers to share their accommodation with young vulnerable people who were on their own. Councillor Mrs Manning commented that the Council were looking at the properties it owned to assess whether such properties were appropriate for residential use.

The Chief Planner advised Members that initiatives to address problems had not been abandoned and that the Council was continuing to do all it could.

RESOLVED that the matters raised in the report, the pressures faced by the Council in meeting its statutory housing duties and the general matters raised concerning the housing market in Bromley be noted.

33 COMMUNITY INFRASTRUCTURE LEVY - CONSULTATION ON DETAILED PROPOSALS AND DRAFT REGULATIONS FOR REFORM

On 10 October 2011, the Government implemented a consultation on detailed proposals and draft regulations for reforms to the Community Infrastructure Levy. The proposed reforms were the result of changes to the levy proposed by the Localism Bill in its final stages through Parliament (providing for a new neighbourhood planning regime). Members were asked to note the consultation together with the questions attached at Appendix 1 of the report.

As the issues covered by the consultation extended beyond just planning, it was anticipated that a report outlining the suggested corporate response would be submitted to the Executive in time to meet the deadline of 30 December 2011.

The Chairman outlined the report and stated that the Council would levy a charge however, it had not been formally agreed as to how this would be made up.

RESOLVED that:-

- 1) the publication of the consultation and question at Appendix 1 be noted; and**
- 2) the intention for a report to go to the Executive in December 2011 with a suggested corporate response to meet the deadline of 30th December 2011 be noted.**

**34 NEIGHBOURHOOD PLANNING REGULATIONS
CONSULTATION LOCAL PLANNING REGULATIONS**

On 13 October 2011, the Government (Department for Communities and Local Government) issued a consultation on 'Neighbourhood Planning Regulations' which sought views on proposed new regulations governing aspects of the powers proposed within the Localism Bill. In particular, views were sought on the process for establishing neighbourhood areas and forums; the preparation of neighbourhood plans and neighbourhood development orders, together with community right to build orders.

Members were requested to agree the Council's draft response attached at Appendix 2 of the report. The formal response would be finalised by the Chief Planner in consultation with the Committee Chairman in time to meet the deadline of 5 January 2012. It was anticipated that once the Localism Bill had been enacted and the regulations adopted in respect of planning implications, officers would prepare a briefing to be submitted to a future meeting.

The Chairman outlined the report stating that the initiative had been brought about by the change of legislation and that the Council had been requested to respond to the consultation exercise.

RESOLVED that:-

- 1) appendix 2 form the basis of the Council's response to the Neighbourhood Planning Regulations and that the formal response be finalised by the Chief Planner in consultation with the Committee Chairman; and**
- 2) officers provide a briefing for the Committee after the Localism Bill is enacted and that the regulations be adopted with respect to the planning implications.**

**35 CORE STRATEGY ISSUES DOCUMENT - CONSULTATION
RESPONSE**

Consultation had been undertaken between July and the beginning of October 2011 on a Core Strategy Issue Document.

The timescale and changing context for the preparation of the Core Strategy was set out in Appendix 2 of the report.

The Chairman gave a brief summary of the report and drew Members' attention to paragraph 3.3 which identified ways in which the consultation process had been carried out. Attention was also drawn to paragraph 3.5 which outlined the key issues needed to be taken into consideration during the next stage of the consultation process.

Referring to page 74 - paragraph 3.5, first line of the second bullet point (Areas of Special Residential Character), Councillor Russell Jackson asked that the

words 'Chelsfield Residents Association' be amended to read 'Chelsfield Park Residents Association'. Councillor Jackson looked forward to the consideration of that matter.

In relation to English Heritage and the historical character of the area, Councillor Mrs Manning emphasised the importance of ensuring that this was highlighted as a key issue.

Councillor Michael commented on the need to retain areas specifically for new businesses and industrial use. Referring to the subject of town centres (page 81), Councillor Michael stated that town centres should be safe and welcoming at all times of the day or night and suggested that the borough needed to provide family-friendly venues and that the Council should use its licensing controls with regard to the sale of alcohol etc.

Councillor Jackson commented on the viability of village life as a distinct element of Bromley and asked that this be reflected somewhere within the document.

Councillor Ince stated that urban open space should be included in the first category of paragraph 3.5 (Green Belt and other protected open space).

Councillor Fawthrop requested that Petts Wood be included as an area of special residential character in terms of its housing.

The Chairman informed Members that a further report would be submitted to the Local Development Framework Advisory Panel in March 2012. The Chief Planner advised that the report would reflect all the comments made by Members and would explain the reasons why some would not be pursued.

RESOLVED that:-

- 1) Member comments be reflected in a further report to be submitted to the Local Development Framework Advisory Panel in March 2012; and**
- 2) the timescale and changing context for the preparation of the Core Strategy as set out in Appendix 2 of the report be noted.**

**36 BIGGIN HILL HERITAGE CENTRE WORKING PARTY -
 UPDATED TERMS OF REFERENCE**

At a meeting of the Biggin Hill Heritage Centre Working Party held on 3 November 2011, it was considered necessary to update the group's Terms of Reference.

DCC Members were requested to note and endorse the updated Terms of Reference (attached as Appendix 2 to the report).

RESOLVED that the updated Terms of Reference for the Biggin Hill Heritage Centre Working Party be endorsed.

37 MEMBER APPOINTMENT - PLANS SUB-COMMITTEE NO. 1

Due to the resignation of former Councillor George Taylor in August 2011, it had become necessary to appoint a replacement Member to serve on Plans Sub-Committee No 1 for the remainder of the Municipal Year 2011/12.

Councillor Fawthrop formally nominated Councillor Joel; this was seconded by Councillor Boughey.

Councillor Joel confirmed his willingness to serve as a Member of Plans Sub-Committee No.1.

RESOLVED that Councillor Joel be appointed to serve as a Member of Plans Sub-Committee No. 1 for the remainder of the Municipal Year 2011/12.

38 REPORTS TO NOTE

38.1 RENEWAL AND RECREATION BUSINESS PLAN 2011/12

Members were requested to note the Renewal and Recreation Business Plan 2011/12 which was adopted by the Renewal and Recreation Portfolio Holder on 5 July 2011.

RESOLVED that the Renewal and Recreation Business Plan 2011/12 be noted.

38.2 PLANNING BUDGET MONITORING 2011/12

Members considered an update on the latest budget monitoring position for 2011/12 for the Planning Division based on expenditure and activity levels up to 31 August 2011. Latest projections indicated an underspend of £127k.

Councillor Fawthrop highlighted a discrepancy between the quoted underspend figure of £127k (page 177) and the quoted overspend figure of £84k stated in paragraph 5.2 (page 179). The Chief Planner explained that these were two separate issues - the overspend of £84k did not relate to strategy and renewal or other elements of the department and was compensated by the underspend of £127k which included all elements of the department. The Chief Planner was confident that a balance would be achieved within six months.

RESOLVED that the report be noted.

38.3 PLANNING APPEALS MONITORING REPORT (APRIL-SEPTEMBER 2011)

Members considered a report which provided an update on planning appeals statistics for the second and third quarters of 2011, including a breakdown by category of appeal in comparison to the figures for 2010.

RESOLVED that the report be noted.

38.4 ENFORCEMENT MONITORING REPORT (JULY-SEPTEMBER 2011)

The report provided an update on planning enforcement for the second and third quarters of 2011 together with an overview of enforcement activity undertaken during that time.

RESOLVED that the report be noted.

38.5 DEVELOPING A SUSTAINABLE FRAMEWORK FOR UK AVIATION: SCOPING DOCUMENT

The Government had recently published a document entitled 'Developing a Sustainable Framework for UK Aviation: Scoping Document', with the aim of defining the debate as the Government developed its long-term policy for UK aviation. An initial response from the Chairman had been made to the Government (Appendix 1 of the report).

RESOLVED that the report be noted.

38.6 UPDATE: PLANNING LEAFLETS AND INFORMATION FOR THE PUBLIC

At a meeting held on 13 January 2011 (Minute 70), Members agreed a 9-month strategy to review and replace current planning leaflets and fact sheets.

Following an update on 30 June 2011 (Minute 12), Members considered a further information report on the progress achieved so far.

Councillor Mrs Manning emphasised the need for additional leaflets relating to:-

- solar panels;
- front gardens; and
- certificates of lawful use.

RESOLVED that the report be noted.

Any other business

The Chief Planner continued to receive feedback on issues arising from the relocation of the Planning Reception and asked that patience continue to be exercised whilst work continued.

The Meeting ended at 9.45 pm

Chairman