

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 14 February 2012

Present:

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

47 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

An apology for absence was received from Councillor Kate Lymer; Councillor William Harmer attended as a substitute. An apology for absence was also received from Councillor Pauline Tunnicliffe.

48 DECLARATIONS OF INTEREST

There were no declarations of interest.

49 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 12 JANUARY 2012

Item 43, Planning Application - Kent County Cricket Ground
Page 41 - penultimate paragraph

During consideration of the application, Councillor Mellor commented that inappropriate use of the land had already been established by the erection of the Pavilion in 2002 and therefore the current application could not be deemed inappropriate use.

Subject to the insertion of the above comment, Members **RESOLVED that the Minutes of the meeting held on 12 January 2012 be confirmed and signed as a true record.**

50 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

51 PLANNING REPORTS

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

Item No.	Ward	Description of Application
5.1	Bromley Town	Description amended to read: "(11/03466/FULL1) - Single storey buildings and reconfiguration/change of use of part of shopping centre to provide 5 restaurants (Class A3), 1 kiosk unit (Class A1, A3 or A5) electricity substation; repositioned entrance to shopping centre and area for plant on roof, with landscaping works and relocation of gates and railings at Queens Gardens, Kentish Way, Bromley. "

Oral representations in objection to the application were received from Mr Glen Shipley, a local resident and Vice-Chairman of the Bromley Civic Society and a member of the Friends of Bromley Town Parks and Gardens.

Mr Shipley reported that many residents and local organisations were deeply concerned at the Council's proposal to sell part of Queens Gardens for commercial development. As a result, an application had been submitted for the open spaces involved to be designated as a Town Green. Members were requested to bear this in mind as a material consideration.

Mr Shipley contended that the proposed development conflicted with the statutory and local conservation area policies which governed the area and was a major departure from the Area Action Plan (AAP) as it was proposed to build on land not identified for development or discussed with AAP Inspectors. The proposal also involved the development of green space which the AAP did not permit.

Queens Gardens was gifted to the residents of Bromley in 1897 to celebrate Queen Victoria's Diamond Jubilee. Mr Shipley referred to a local newspaper article reporting that Queen Elizabeth's Diamond Jubilee would be marked by the Council selling off and building upon part of the open space belonging to Queens Gardens.

The Italian Garden was created as an extension to Queens Gardens as compensation for the land built upon for the Glades development. The adjacent terrace was the only public space on the site itself. At that time the Council had deemed the extension to the open space to be an integral part of the shopping centre development and a reason for the choice of developer.

Concerning the relocation of the ornamental gates, Mr Shipley stated that their present position in the Italian Garden was far more suitable as an ornamental feature. He was pleased to note the proposed greening of the

emergency vehicle hard-standing area but stipulated that this should be done as a matter of course and should not be dependent on the outcome of the submitted application.

Mr Shipley urged Members to save and protect the Borough's open spaces by refusing the proposed application and added that a small discreet café or kiosk for park users, as envisaged by the AAP Inspector, would be welcome.

Oral representations in support of the application were received from Mr Jonathan Ainsley, Director of Asset Management Capital Shopping Centres (CSC) at The Glades Shopping Centre.

Mr Ainsley reported that CSC were prepared to invest £6.2m in developing the proposed restaurants which would create 62 full-time jobs. Over a period of 12 months, extensive consultation had taken place with both the Planning Authority and the wider community. It was anticipated that a new family friendly restaurant offer to complement the existing offer in Bromley High Street would bring life and activity to the area.

The proposed buildings would be of high quality design and through sensitive landscaping and the location of the proposed development on the south side of the gardens, there would be no nett loss of green space. The historic part of Queens Gardens would not be built upon.

The proposed development was of great importance to The Glades and Bromley Town Centre.

In response to a question from Councillor Harmer, Mr Ainsley reported that results of the most recent consultation had shown that a wider catering offer in Bromley would be welcomed.

Councillor Mrs Manning queried how members of the public would be encouraged to walk around to the proposed restaurants. Mr Ainsley commented that signposts would be located along routes leading to the restaurants and access would also be gained through the nearby car park.

Councillor Scoates asked how the need for restaurants in Bromley had been assessed. Mr Ainsley replied that specific customer research on both visitors and non-visitors to The Glades had been undertaken and comparisons with other shopping centres had also been made. As the footfall in Bromley was 15-16 million per year, the need for catering was high.

Mr Chris Evans, Manager of the Major Developments Team, reported the following updates and suggested amendments to the conditions should Members decide to grant the application:-

- 1) Late objections had been received, none of which raised any additional concerns.

- 2) Issues relating to the objection submitted by Mytime Active with regard to the effect on light to the swimming pool. Mytime Active had been in discussion with the applicants and withdrawn its objection.
- 3) Press notices regarding the revised location of the gates would expire on 15 February. Members were therefore requested to make their decision subject to the Chief Planner giving consideration to any representations received after the meeting and before the expiry of 21 days after the publication date of the notice.
- 4) The Section 106 Agreement should be amended to read:- "A contribution of £20,000 towards Town Centre improvements including a strategy for improved pedestrian signage and wayfinding strategy, a lighting strategy and lighting implementation plan, relocation of the dinosaur structures to Crystal Palace Park and location of replacement and additional benches and lighting within Queens Gardens."
- 5) Conditions 7, 13 and 14 should be amended.
- 6) A further two conditions should be included; and
- 7) The first informative on page 29 of the report should be deleted.

Mr Evans confirmed that no part of the proposed building would be erected on Urban Open Space, there would be no detrimental effect on the visual appearance of the site and the tranquil areas of the gardens would remain. Although an area of 631sq m would be developed, an equal measure of land would be greened over.

Councillor Harmer was opposed to the Authority's willingness to sell covenanted land. His primary concern however, was how the application fitted in with the AAP as it appeared to go beyond the scope of what had been drawn up.

Councillor Mrs Manning commented that whilst Queens Gardens was not green land or protected by law, it was open land which had already been affected by the town centre redevelopment and the development along Kentish Way. The gardens were attractive and should be protected. However, Councillor Mrs Manning was not opposed to the establishment of one or two cafes and suggested that it would be more appropriate to develop along the eastern side of The Glades. The proposed development from the north end of the gardens would undermine the view of the Pavilion and the higher part of the walking area would encroach further into the gardens. Councillor Mrs Manning was dissatisfied with the materials to be used. For the reasons outlined above, Councillor Mrs Manning moved that the application be refused.

Councillor Fookes moved that permission be granted commenting that the Authority would struggle to find sufficient grounds to warrant refusal and that a decision to refuse the application was likely to be overturned on appeal.

Councillor Fookes welcomed the creation of 62 full-time jobs at a time when unemployment figures were high.

The Chairman referred to the revitalisation of Bromley Town Centre, stating that the AAP identified a number of sites designed to bring Bromley into the 21st century. There would, of course, be objections to those sites identified as they affected everyone in the Borough. The proposed development would not result in a loss of open space because the land identified was already built upon and was not part of a conservation area. There were few top quality restaurants in Bromley and it was not unreasonable for some to be located around the main shopping area. The Chairman could find no sustainable grounds for refusal and therefore seconded Councillor Fookes' motion that the application be granted.

Although Councillor Ince agreed with the points raised by Councillor Mrs Manning, he did not think there were sufficient grounds to warrant refusal of the application.

Whilst Councillor Michael supported the revitalisation of Bromley Town Centre, she considered the development to be excessive and detrimental, taking considerable open space from what was a delightful recreational area. The proposal to open five restaurants was also excessive as there were already a number of chain restaurants located in Bromley however, Councillor Michael was not opposed to the establishment of one or two eateries. Whilst the creation of 62 full-time jobs would be welcomed, the development went beyond the scope of the AAP and, if permitted, would ruin the gardens. For the reasons set out above, Councillor Michael seconded Councillor Mrs Manning's motion to refuse the application.

Councillor Jackson commented that although the gardens were attractive, the development would only take up a small amount of land which had already been developed. He thought the area as it currently stood was one of the most drab and miserable parts of the Centre which held no visual merit. The proposed development would improve economic life within the Borough. Councillor Jackson supported permission.

Councillor Joel was impressed by the points given for and against the proposal. He emphasised the need to consider Bromley in its entirety. The design of the proposed buildings was simplistic, the development would be located within a quadrangle of high buildings and new footways would be incorporated. The development would not, therefore, be out-of-character with the surrounding area and would be an enhancement to the locale. Councillor Joel emphasised the need to encourage visitors to use the grounds. For the reasons outlined above, Councillor Joel would be supporting the application.

Councillor Buttinger supported the application on the grounds that more restaurants were needed in Bromley and that the proposal was an appropriate contribution towards the development of Bromley Town Centre. There would be no loss of mature trees, no nett loss of green space and the current hardstanding area was not particularly well used at present.

Councillor Auld sought legal advice with regard to a section of covenanted land within Queens Gardens. Approximately, 20 years ago, part of the land had been taken to build The Glades and in compensation for this, a portion of the land to the south of the area was given over for garden use.

The Legal Adviser informed Members that any legal issues arising from the selling of covenanted land would be a matter of civil law and not one which should be taken into consideration when debating the application.

Councillor Auld stated that the proposal was a separate entity entirely from the 12 sites identified in the AAP; development of the site was not suggested to the AAP Inspector during the consultation period five years ago. He commented that if the application was granted, the restaurants would draw visitors away from Bromley High Street (which was already well served by restaurants) and from Bromley North. Councillor Auld would not be supporting the proposal.

Councillor Fawthrop agreed with Councillor Jackson's view that the proposed area of development was an unattractive piece of land which could be improved. Attempts should be made to protect the area because if the proposal was permitted, the opportunity for improvement would be lost. Councillor Fawthrop supported refusal of the application.

Councillor Scoates was concerned that the development was not in keeping with the AAP. The land had been gifted to the Local Authority in honour of Queen Victoria's diamond jubilee and should be preserved. Councillor Scoates had no objection to restaurants being established in Bromley but the extent of the development in this particular area would close off the surrounding land. Councillor Scoates supported refusal.

Councillor Mellor said he could find no inappropriate established precedent relating to or in support of the application. He was concerned with the lack of space. The Italian Garden contained beautiful flowerbeds and was vital to the centre of Bromley. The development would result in an intensification of retail use.

A motion to approve the application fell at 7-8.

Following a second vote to refuse the application (8-5), Members **RESOLVED that PERMISSION BE REFUSED for the following reason:-**

The proposal would be an overintensive development of the site, detrimental to the character and appearance of the Bromley Town Centre Conservation Area by reason of its size, site coverage, design and the loss of openness and public amenity to Queens Gardens, contrary to Policy BE11 of the Unitary Development Plan, Policy OSM of the Bromley Town Centre Area Action Plan and the Conservation Area Statement.

The following informative was also added:-

INFORMATIVE: The drawings that are subject of this decision are as follows: 3366AP(04)1500-P08, 1501-P07, 1502-P06, 1503-P06, 1504-P04, 1505-P04; 3366AP(05)1600-P04, 1601-P04, 1602-P03, 1603-P05, 1604-P02; 3366AP(06)1700-P04, 1701-P04, 1702-P05, 1703-P04, 1704-P05, 1705-P05, 1706-P04; 329/300RevP1, 339/100RevP2, 339/101RevP2, 339/103RevP2.

The Chairman's vote against refusal was noted.

Item No.	Ward	Description of Application
5.2	Bromley Town	Description amended to read:- (11/03467/LBC) - Relocation of gates and railings LISTED BUILDING CONSENT.

Mr Evans informed Members that should listed building consent be granted, condition 5 should be amended.

Councillor Mrs Manning moved that the application be refused; this was seconded by Councillor Michael.

Following a vote of 9-1 against, Members **RESOLVED that LISTED BUILDING CONSENT BE REFUSED for the following reason:-**

The relocation of the gates and railings would be premature in the absence of any planning permission for development on their existing site.

The following informative was also added:-

INFORMATIVE: The drawings that are subject of this decision are as follows: 3366AP(04)1504-P04, (04)1505-P04, (05)1603-P05, 339/103RevP2.

52 PLANNING BUDGET MONITORING 2011/12

Members considered an update on the latest budget monitoring position for the Planning Division for 2011/12 based on expenditure and activity levels up to 31 October 2011.

Mr Tony Stewart, Development Control Manager, outlined the report and advised that the latest projections indicated an overspend in the Planning Division of £19k. He confirmed that the shortfall of income in Building Control, Land Charges and Planning were being partly offset by savings from management action in all parts of the Division and by holding posts vacant. Mr Stewart informed Members that the budget situation may change in the

event that local authorities were able to set their own fees for planning applications. To date the Government had not made a decision in this regard.

In response to a question from Councillor Scoates, Mr Stewart confirmed that figures were calculated on a year by year basis.

RESOLVED that the report be noted.

53 REVIEW OF CHARGES FOR PRE-PLANNING APPLICATION ADVICE

At a Committee meeting held on 8 March 2011, Members reviewed charges made for pre-planning application advice for Major Developments and agreed the introduction of charges for pre-planning application advice for non-major developments. Members requested that a review of the charging system be undertaken after six months.

Members considered an updating report outlining the amount of income received in respect of pre-planning advice in the 10 months from April 2011-January 2012. A revised schedule of fees was also attached to the report.

Mr Stewart informed Members that some complaints had been received since the Planning Division began charging for the customer service it provided and made reference to the issues set out in the report.

All current fees charged for advice would be subject to a 4.5% increase. In particular, Members were requested to note the introduction of a revised arrangement for householder advice. There would now be a fee of £44 for basic advice on the relevant planning policies, the planning process and other material considerations and a fee of £188 for more detailed advice and guidance following a visit to the applicant's premises.

A schedule of pre-planning application advice service fees (inclusive of VAT) was set out in Appendix 2 of the report. Some new charges had been incorporated and these were highlighted in italic print.

Councillor Fawthrop proposed and Members agreed, that the householder proposals, shop front advertisement and other non-householder proposals fees be increased to £48 (including VAT).

Councillor Auld was concerned with the content of advice given for the current £42 fee for householder developments. He referred to a recent case within his Ward where one householder having paid the fee, received statements and technical information drawn from the Unitary Development Plan. Councillor Auld questioned what sort of advice householders would receive if they paid the higher charge.

Mr Stewart replied that the £42 fee was paid for general advice given to householders with little or no knowledge of the planning process. It was not intended to provide detailed guidance on a particular scheme as this would

normally require a site visit and a greater commitment of officer time. The higher fee of £180 would be charged when more detailed advice on a specific scheme is required. In such cases a site visit will be made and officers will be able to give an indication of the likely outcome of a planning application.

Having noted that the fee for changes to use over 2,000 sq m of floor space was 30-50% higher than that for comparable developments in other Boroughs, Councillor Fookes believed that Bromley's £4k fees should be reduced as the Authority ran the risk of developers going to other Boroughs.

Mr Stewart responded that in the context of overall development costs and benefits £4k was not a lot of money to pay for such large scale development proposals and the charge had willingly been accepted by those seeking this type of advice.

Councillor Joel referred to instances where fees had been paid for advice on applications which had subsequently been refused. He suggested that free advice should be given on any future applications.

RESOLVED that:-

- 1) the report be noted;**
- 2) the fees charged for householder proposals, shop front advertisement and other non-householder proposals, be increased to £48 (including VAT);**
- 3) the suggested amendments/additions to the schedule of fees be agreed; and**
- 4) the Portfolio Holder for Renewal and Recreation be recommended to agree the suggested amendments/additions to the schedule of fees.**

54 CONSULTATION ON THE IMPLEMENTATION OF THE SUSTAINABLE DRAINAGE SYSTEMS PROVISIONS OF THE FLOOD AND WATER MANAGEMENT ACT 2010

Members considered a report setting out the Council's suggested response to a consultation undertaken by the Department for Environment Food and Rural Affairs on the implementation of the Sustainable Drainage Systems provisions of the Flood Water Management Act 2010. As the existing Lead Local Flood Authority, the Council would be requested to approve and adopt sustainable urban drainage systems (SUDS).

The consultation included proposed National Standards for the design, construction, operation and maintenance of SUDS, statutory instruments (Regulations and Orders) which together provided details of how the process would work. The Impact Assessment included in the consultation explained why government intervention was necessary.

Councillor Mrs Manning expressed concerns about various issues associated with surface water drainage, about the condition of existing sewers and that historically, development had increased the amount of hard surfaces in built-up areas leading to increased surface water run-off. She agreed that the proposal would augment the existing restrictions on the paving of front gardens and mentioned her own personal experience of flooding in the vicinity of her property.

Mr Evans reported that following consideration by the Environment Portfolio Holder and PDS Committee, copies of the Council's response would be sent to DEFRA.

A short discussion took place on the methods used to discharge surface water and the condition of old Victorian sewer pipes.

RESOLVED that:-

- 1) the suggested responses to the consultation questions be agreed subject to the comments and amendments outlined above;**
- 2) the report and suggested responses together with the comments made by Members, be referred to the Environment Portfolio Holder and PDS Committee for comments and noting;**
- 3) the formal responses to the consultation be agreed by the Chief Planner in consultation with the Committee Chairman once the Environment Portfolio Holder and PDS Committee have considered the report; and**
- 4) the formal responses be submitted by the deadline of 31 March 2012.**

55 LONDON PLAN DRAFT SUPPLEMENTARY PLANNING GUIDANCE - HOUSING

Members considered the Mayor's draft Supplementary Planning Guidance (SPG) on Housing which covered a number of areas including housing supply, quality and choice, affordable housing, stock and investment, social infrastructure and mixed use development. Consultation on the SPG would end on 24 February 2012.

Mrs Mary Manuel, Head of Planning Strategy and Projects, outlined the report and emphasised that the SPG did not set policy but expanded upon it. The comments section within the report was consistent with the Council's comments on the AAP and the Draft London Plan and at the EIP. Mrs Manuel drew Members' attention to paragraph 3.11 and confirmed that the SPG included acknowledgement that the London Plan density matrix was a guide.

The Mayor had published draft guidance on affordable housing (considered at the last meeting) which would be incorporated into the Housing SPG.

Councillor Ince supported what he considered to be the Council's fairly robust responses stating that as a suburb Bromley's density level was not comparable with that of Inner London. With regard to housing supply (paragraph 3.4), Councillor Ince considered that the national requirement to demonstrate a 15 year supply of land (or even a 10 year supply), was an unrealistic figure.

In response to a question from Councillor Fookes, Mrs Manual informed Members that the Outer London Commission had reconvened to consider several issues including density and parking.

Councillor Joel raised the importance of room size and the potential for sub-division.

Referring to paragraph 3.62, Councillor Mrs Manning was pleased to note that office and industrial space would not be undermined but questioned whether the answer was robust enough.

Councillor Michael agreed with Councillor Ince's comments in regard to the unrealistic targets set for the supply of land. Referring to housing standards, Councillor Michael stated that affordable housing should be subject to the same level of standards as market housing. Councillor Michael emphasised that the meaning of the response at paragraph 4.8 of the SPG needed to be clarified.

Councillor Fawthrop commented on the following paragraphs:-

Paragraph 3.4 - concerned about land supply targets to be imposed and asked that the response be strengthened.

Paragraph 3.9 - the guidance contained within the SPG relating to garden land development was relatively good.

Paragraph 3.19 - it was very important that the Borough had the flexibility to accommodate more cars than it presently did.

Paragraph 3.46 - if it was not viable for developers to provide social housing, they should be permitted to provide private housing. The importance of economic realities needed to be included in a robust response regarding the provision of affordable housing. However, if social housing was necessary, then a more robust response about the levels of affordable housing should be given.

At this point, Councillor Fawthrop reported that in previous years, motions on planning issues had been passed at meetings of the Full Council but the outcomes of those motions had never been reflected back to Members. Councillor Fawthrop requested that a report be submitted to a future meeting

of the Committee outlining all planning motions passed by Members at Full Council within the last four years, together with information on the outcome of those motions.

RESOLVED that:-

- 1) Member comments be noted;**
- 2) the comments within the report form the basis of the Council's response to the consultation which should be submitted to the GLA by no later than 24 February 2012; and**
- 3) a report be submitted to a future meeting of the Committee outlining all planning motions passed by Members at Full Council within the last four years, together with information on the outcomes of those motions.**

56 REPORTS TO NOTE

56.1 MAYORAL COMMUNITY INFRASTRUCTURE LEVY

Members considered a report outlining the Mayor's progress in introducing the Mayoral Community Infrastructure Levy (CIL) which would be collected by the Authority from 1 April 2012.

Despite representations made by the Authority objecting to the Mayoral CIL at both consultation stages in 2011 and the Examination in Public (EiP), the Examiner recommended to the Mayor that the charging schedule be approved.

Councillor Fookes asked how fees would be calculated on mixed developments.

Mrs Manual informed Members that the rates were fixed according to the amount of additional net floor space. The charges applied to all types of development.

RESOLVED that the report be noted.

The Meeting ended at 8.54 pm

Chairman