

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 29 January 2013

Present:

Councillor Peter Dean (Chairman)
Councillor Alexa Michael (Vice-Chairman)
Councillors Graham Arthur, Douglas Auld, Nicholas Bennett J.P.,
Katy Boughy, Lydia Buttinger, Simon Fawthrop, Peter Fookes,
Will Harmer, John Ince, Russell Jackson, Mrs Anne Manning,
Russell Mellor, Tom Papworth, Richard Scoates and
Harry Stranger

Also Present:

Councillors John Canvin and Peter Morgan

30 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Eric Bosshard and Nicky Dykes; Councillors Nicholas Bennett J.P. and William Harmer attended as their respective substitutes.

31 DECLARATIONS OF INTEREST

There were no declarations of interest.

32 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 22 NOVEMBER 2012

RESOLVED that the Minutes of the meeting held on 22 November 2012 be confirmed and signed as a true record.

33 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

34 OPTIONS AND PREFERRED STRATEGY CONSULTATION DRAFT LOCAL PLAN

Consideration was given to the consultative Options and Preferred Strategy document which formed a key stage in the preparation of Bromley's Local Plan. Member comments would be reported to a meeting of the Executive on 6 February 2013 at which time the document would be considered for approval for public consultation.

Members scrutinized the document and conveyed the following comments with suggested amendments (in italics):-

Homes (page 22, first two lines) - Amend to read: '...density of development, *spatial standards*, parking requirements and improving the choice of accommodation available.'

Homes (page 22, second objective) - Include reference to domestic housing extensions as these formed a vital element of planning within the Borough.

Business, employment and the local economy (page 22) - This section should include reference to the use of digital communication and highlight the importance of the digital economy for the future of the Borough.

Built Heritage (page 23) - Reference should be made to the continual monitoring of built heritage.

Transport (page 24) - Include reference to the development of car parks around train stations in the Borough. The Head of Planning Strategy and Projects agreed to report back to Members following discussions on this point with Highways Division and the Environmental Health Officer.

Transport (page 24) - The development of dedicated cycle routes/lanes should be incorporated into the objectives.

Location (page 31, paragraph 4) - Include reference to protect Metropolitan Open Land.

As a general point, it was noted that the document contained the words 'Development Management' throughout. Members requested that these be replaced with the words 'Development Control' as agreed at a meeting of the Local Development Framework Advisory Panel held in December 2012.

Option 6 (page 32, paragraph 2, line 7) - A request to delete reference to 'back gardens' was rejected as this line quoted London Plan Policies. The proposed Bromley approach included the importance of all residential gardens.

Option 9 (page 33) - Amend to read:- 'The design of all new housing developments should be of a high standard and layout and enhance the quality of local places whilst respecting local character, *spatial standards*, context and density.'

Option 17 (page 37, paragraph 3) - There were concerns that the wording for this paragraph, including reference to '10% of 1-9 houses' in numerical terms did not make sense. Officers were requested to re-word the paragraph.

Option 19 (page 38) - delete the words 'a mix of'.

Option 30 (maps) - Members requested that the maps be amended to clarify locations within the Borough and for the descriptions to be revised accordingly.

Option 32(ii), (page 53, second bullet point) - Incorporate reference to the possible impact on Green Belt land.

Supporting Communities (page 57, final line) - amend to read:- '..over 60 years of age recorded in 2011 than in 2001, almost half of the total....'

Option 35 (page 58) - amend to read:- 'To support the quality of life in all Bromley's neighbourhoods through the appropriate provision *and retention* of a range of social infrastructure *such as* health and education provision,.....'

Option 40 (page 63) - It was reported that this option included the protection of school playing fields from being sold off. The Head of Planning Strategy and Projects stated that it possibly included the protection of education sites in instances where a school had closed down however, she would check this point and report back to Members. It was suggested that the words 'ensuring proposals are sympathetic to Green Belt land' be inserted into the Option.

Option 41 (page 63) - Replace the word 'positively' with 'appropriately'.

Option 46 (page 67) - Amend to read:- '.....securing enhancement where appropriate opportunities arise *whilst maintaining the openness of Green Belt land*'. The Acting Chief Planner explained that Green Belt policy applied to proposals anyway so it would not be necessary to reiterate that point.

Option 51 (page 69) - Amend to read:- 'To explore the opportunities for Burial Sites.'

Getting Around (page 71, 3rd bullet point of the second paragraph) - Amend to read:- 'High car dependency and high mobility *requirement* amongst much of the population;'

Page 80 - It was suggested that an additional option 57a be inserted relating to congestion problems within the Borough to read something along the lines of:- 'Support additional car parking facilities at transport interchanges ie. train stations'. It was also suggested that parking facilities should accommodate the use of Oyster cards.

The Head of Planning Strategy and Projects commented on the need to be mindful of a possible conflict with the Transport Strategy; she agreed to look into this matter further and report back to Members.

Option 66 (page 84) - There were concerns that the term 'overground' could be confused with the TfL brand 'Overground'. Members therefore requested that the paragraph be amended to read 'Heavy rail link - Improving heavy rail links between Bromley North and Lewisham.'

Open and Natural Space (page 87) - The definition of Green Belt land should be extended to include Metropolitan Open Land and urban open space.

Option 77 (page 90) - Amend to read:- '...protection of the Areas of Archaeological Importance *and Sites of Special Scientific Interest*.'

Option 98 (page 111) - Concerns were raised about managing the contraction of shops in high streets.

Option 100 (page 111) - Councillor Bennett J.P. was mindful that separate access should be provided at all times for residents living in accommodation situated above shops.

Option 108 (page 115) - Amend to read:- 'Proposals for development *and alterations to existing building* should.....'

Subject to the comments and suggestions set out above, Members **RESOLVED that Appendix B, as the draft Options and Preferred Strategy, be endorsed and referred to the Executive to agree to public consultation.**

35 ITALIAN GARDENS AND GLADES TERRACE APPLICATION FOR REGISTRATION AS TOWN OR VILLAGE GREEN

Members received an update on the current position with regard to an application submitted by the Bromley Civic Society and Friends of Bromley Town Parks and Gardens, for the site known as the Italian Gardens and Glades Terrace to be registered as a Town or Village Green.

Councillor Harmer supported the recommendation in the report and emphasised the Council's obligation to proceed to a Public Inquiry. The Chairman also agreed with the recommendaton and moved in favour of proceeding to a Public Inquiry.

To the contrary, Councillor Fookes could see no valid reason for registering the land as a Town or Village Green and raised concerns with the costs involved in holding such an Inquiry.

With regard to paragraph 3.7.1 on page 133 of the report, Members were informed that during an appeal, the onus would be on the applicants to demonstrate that the land was used for lawful sports and pastimes.

Councillor Mellor added that the land in question was a vital attribute of the town centre and he therefore supported the recommendation.

The Legal representative confirmed to Members that the use of specific areas of the land for lawful sports and pastimes, would be considered during the Public Inquiry.

RESOLVED that a Public Inquiry be held to recommend whether or not the site be registered as a Town or Village Green.

**36 APPEALS BY CAPITAL SHOPPING CENTRES LTD (CSC)
AGAINST THE COUNCIL'S DECISION TO REFUSE PLANNING
AND LISTED BUILDING CONSENT FOR DEVELOPMENT AT
QUEEN'S GARDENS, BROMLEY**

At a DCC meeting held on 28 June 2012, Members refused applications for planning permission and listed building consent for an extension to the Glades Shopping Centre and the relocation of gates to Queen's Gardens.

The applicants had confirmed their intention to appeal against the decision and had requested that the Council withdraw part of its reason for refusal as set out in the report. Members views were requested.

Councillor Harmer disagreed strongly with the content of paragraph 3.4 and drew attention to the omission of pages 2 and 4 of the Appeal Decision. Councillor Harmer had received further documentation not included in the report, which he believed showed that certain aspects concerning the Belgo appeal bore no comparison with the appeal by Capital Shopping Centres. In light of the above, Councillor Harmer moved that the item be deferred in order that further analysis of the new information could be undertaken and for a complete copy of the report to be submitted for consideration by Members at the next meeting of DCC in February 2013.

The Legal Representative confirmed that further information from the Environmental health officer should be sought and due to the receipt of further relevant information, deferral of the item was the best way to proceed.

Members were informed that the chances of an appeal hearing being held before the next DCC meeting were very remote as an appeal took approximately 2-3 months to implement.

The Acting Chief Planner apologised for the submission of an incomplete report.

RESOLVED that this item be DEFERRED to undertake further analysis of new information received and for a further report to be submitted to the next meeting of the DCC on 28 February 2013.

37 AUTHORITY MONITORING REPORT (AMR) 2011/12

Members considered the full Authority Monitoring Report (AMR) which, as required under the Localism Act 2011 (Section 11), contained information on the plan making process, the progress and effectiveness of the Local Plan and the extent to which the planning policies set out in the Local Plan documents were being achieved.

Members were requested to endorse Appendix 1 as the Council's AMR for 2011/12.

For the purpose of clarity, Members agreed that the recommendation in the report should be amended to read:- 'Appendix 1 (from page 147 onwards), in light of the Council's duty under the Localism Act 2011, be agreed as the Council's AMR for 2011/12.'

Grammatical errors were noted within the report and Councillor Mrs Manning commented that for ease of reference, column headings should be inserted at the top of each table in Annex 1.

Referring to 'Built Environment' (page 162, paragraph 7.4), Councillor Michael said it would be useful to know how many of the 152 applications in respect of Green Belt, Metropolitan Open Land and Urban Open Space had been successful.

With regard to footfall indicators (pages 156 and 157), Members were aware that weather conditions were likely to have an affect on the number of daily visitors to town centres.

RESOLVED that 'Appendix 1 (from page 147 onwards), in light of the Council's duty under the Localism Act 2011, be agreed as the Council's AMR for 2011/12.

38 PLANNING PERFORMANCE AND PROPOSED DIRECTION OF IMPROVEMENTS

As requested by Members at the R&R PDS Committee meeting held on 17 January 2013, a report had been submitted to this meeting, drawing Members' attention to a Planning Improvement Plan outlining ways to stimulate economic growth, halt the downward trend in planning application performance, bring about changes in national planning requirements and draw attention to the periodic need to consider service delivery.

The Chairman outlined the report and asked Members to suggest further categories they would like to include in the Improvement Plan.

Councillor Fookes suggested that the Customer Service category should include reference to keeping consultees up-to-date with the progress and decisions made in regard to planning matters. Agreeing with Councillor Fookes, Councillor Harmer suggested that decisions could be processed and sent electronically. He encouraged Members to engage more with residents in matters of planning and enforcement and he was aware that letters sent to residents did not inform them that they could contact their Ward Members. In this regard, Councillor Harmer requested that Members be given access to the Planning Portal as it was frustrating not being able to obtain information concerning controversial applications.

Councillor Papworth was pleased to see the inclusion of a category relating to Planning Enforcement and Untidy Sites Communication, in particular the commitment to agree a package of performance monitoring information on

enforcement/untidy site cases. Councillor Papworth said it was important that the Council use its ability to carry out enforcement action as quickly as possible and rigorous targets should be set in that respect.

Councillor Jackson commented that the category of 'Support Economic Growth' appeared slightly incongruous with the remaining categories on the list and he suggested amending this to read 'Support a Variety of Planning'.

It was suggested that when the report concerning the Improvement of Customer Service was submitted, that all Members of the Council should be invited to the meeting.

Members agreed that Improving Customer Service should be the first priority on the list followed by Improving Planning enforcement and Untidy Sites Communication.

The Acting Chief Planner was congratulated on bringing this report before Members.

This report was also considered by the R&R PDS Committee on 17 January 2013. At that meeting, Members had requested further information on the outcome of enforcement action undertaken both previously and currently.

The Acting Chief Planner reported that not all representations and objections presently appeared on the planning web site but this was something he hoped to rectify in the future.

RESOLVED that the Outline Planning Improvement Plan be endorsed as a framework for improvement and reports on specific improvements be brought to the Committee as necessary.

39 THE CHENIES ARTICLE 4 DIRECTION

At a DCC meeting held on 8 September 2011, Members agreed to the making of a non-immediate Article 4 Direction at the Chenies conservation area in Petts Wood, removing the Permitted Development right to install rooflights on the front elevation of dwelling houses or the side elevations where it could be seen from the public highway.

As the recommended 12 month period before the Article 4 Direction came into effect had passed and no objections had been received, Members were requested to confirm that the Article 4 Direction come into effect from 8 February 2013.

Whilst Members were in favour of confirming the Article 4 Direction, it was agreed that formal confirmation be sought from the Portfolio Holder for Renewal and Recreation.

RESOLVED that the Article 4 Direction at the Chenies conservation area in Petts Wood, to remove the Permitted Development right to install

rooflights be endorsed and that the matter be referred to the Portfolio Holder for Renewal and Recreation for formal confirmation of the Direction.

40 JULIAN ROAD ARTICLE 4 DIRECTION

On 14 November 2012, an Article 4 Direction was made relating to Land rear of Nos. 1-39 Julian Road and rear of Nos. 8-30 Woodlands Road, Orpington. The Direction required that planning permission must be obtained for the provision within the curtilage of a dwellinghouse of any building or enclosure, or swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such; or the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such.

No objections or other representations were received and Members were requested to confirm that the Article 4 Direction come into effect from 8 February 2013.

Councillor Bennett J.P. asked why Ward Members were not informed that the report was to be considered at this meeting. The Acting Chief Planner agreed to look into this matter and respond to Councillor Bennett.

Whilst Members were in favour of confirming the Article 4 Direction, it was agreed that formal confirmation be sought from the Portfolio Holder for Renewal and Recreation.

RESOLVED that the Article 4 Direction to remove the Permitted Development right in respect of Class E and Class F development be endorsed and that the matter be referred to the Portfolio Holder for Renewal and Recreation for formal confirmation of the Direction.

The meeting ended at 9.20 pm

Chairman