

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held at 7.30 pm on 4 September 2014

### **Present:**

Councillor Peter Dean (Chairman)

Councillors Vanessa Allen, Graham Arthur, Douglas Auld, Teresa Ball, Kathy Bance MBE, Eric Bosshard, Katy Boughey, Lydia Buttinger, Simon Fawthrop, Charles Joel, David Livett, Alexa Michael, Michael Rutherford and Michael Turner

### **Also Present:**

Councillors Russell Mellor and Neil Reddin FCCA

#### **13 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillors Nicky Dykes and Richard Scoates.

#### **14 DECLARATIONS OF INTEREST**

No declarations of interest were received.

#### **15 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 9 JULY 2014**

**RESOLVED** that the Minutes of the meeting held on 9 July 2014 be confirmed and signed as a correct record.

#### **16 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

A written question was received from Mr Colin Willetts, Governor of Kemnal Academy. A copy of the question, together with the Chairman's response, is attached as Appendix 1.

#### **17 MEMBERSHIP OF PLANS SUB-COMMITTEE NO. 2**

##### **Report CSD14130**

Members considered a request received from the Conservative Group, for Councillor Kate Lymer to replace Councillor Melanie Stevens, as a Member of the Plans 2 Sub-Committee.

**RESOLVED** that Councillor Kate Lymer replace Councillor Melanie Stevens as a Member of the Plans 2 Sub-Committee.

**18 PLANNING REPORTS**

**18a (14/01752/FULL1) - Dylon International Ltd, Worsley Bridge Road, London SE26 5BE**

Members considered the following planning application report:-

Item No.	Ward	Description of Application
6a (page 17)	Copers Cope	Erection of a five storey building comprising 55 residential units; B1 office; A1 retail; A3 café/restaurant; and a D1 creche in place of Block A03 of the approved permission ref. 09/01664/FULL1 for the redevelopment of the Dylon site <b>at Dylon International Ltd, Worsley Bridge Road, London SE26 5BE.</b>

Oral representations in objection to the application were received from Ward Member Councillor Russell Mellor who stated that this was a complex case and only the latest in a long-running saga dating back to 2010. Whilst the S106 Agreement would go some way to resolve issues concerning infrastructure there was room for improvement. Councillor Mellor urged Members to refuse the application and strengthen the grounds for refusal.

Councillor Michael agreed with the views of the visiting Ward Member and added that approval of the application would result in the loss of valuable employment space at a time when there were signs of an increase in future need. Councillor Michael moved that the application be refused.

It was reported that the site had lain vacant for several years before the submission of the previous planning application in 2010.

Councillor Allen considered the residential scheme to be an improvement on the current use of the site however, she was disappointed to note that no provision of affordable housing was proposed.

Councillor Fawthrop pointed out that although there was a specific lack of employment North of the borough, the applicant had not attempted to accommodate enough office space. Councillor Fawthrop seconded the motion to refuse the application.

Councillor Auld stated that the applicant had taken a simplistic role by declaring the provision of employment space to be unnecessary. This view was not supported by either the Council or the Appeal Inspector. Although the Inspector had recognised a slump in employment, the reports on which she relied had indicated a possible rise in the future.

Following a vote of 12-2, Members **RESOLVED** that the application be **REFUSED** as recommended, for the reason set out in the report of the Chief Planner.

**18b (14/02364/FULL1) - Hayes Court, West Common Road, Hayes, Bromley**

Members considered the following planning application report:-

Item No.	Ward	Description of Application
6b (page 55)	Hayes and Coney Hall	Part demolition of Hayes Court (Grade II listed) and detached outbuildings on site. Change of use and restoration of part of Hayes Court to accommodate 8 apartments (1 one bedroom and 7 two bedroom) and erection of 15 detached and mews style houses (1 x three bedroom, 8 x four bedroom and 6 x five bedroom) with associated communal and allocated car parking and landscaping including refuse/recycling store and cycle store <b>at Hayes Court, West Common Road, Hayes Bromley BR2 7AU.</b>

Oral representations in support of the application were received from Mr Will Edmonds of Montagu Evans LLP who spoke on behalf of the applicant. Mr Edmonds reported that the current application before Members had addressed previous reasons for refusal. The Western Housing had been reduced in number and size so that the development now stood in line with the listed building. The soft landscaping proposals had also been increased.

The scheme complied with the desired minimum amount of development and the applicant's improvements to secure optimal viable use of the site had been recognised by the English Heritage Inspector.

As previously suggested by Members, badger surveys were being undertaken.

The Tree Officer had confirmed that the proposal would not impact detrimentally on trees within and surrounding the site.

In conclusion Mr Edmonds stated that a sum of £200k would be provided as a S106 contribution.

In response to Member questions, Mr Edmonds reported that the watching brief would identify any potential issue concerning species of flora or protected animals and each matter would be dealt with appropriately. Whilst

Tree Officers were satisfied trees would not become a problem, a maintenance regime would be put in place.

The Council had accepted that there was not sufficient value in the scheme for the provision of on-site affordable housing. The S106 figure had been evaluated as an appropriate sum for payment in lieu of such provision.

Oral representations from visiting Ward Member Councillor Reddin were received at the meeting. Councillor Reddin was not entirely satisfied with the proposed scheme which would result in a reduction of open space. He preferred to see no housing to the South West of the house. However, the reduction in the number and size of the proposed Western Housing along with its realignment with the listed building, did result in a reduction of footprint. The development would bring a new lease of life to the area and the proposed access to the grounds would allow members of the public to view an important heritage building. In conclusion, Councillor Reddin considered it would be a shame to pass up an opportunity to see Hayes House restored to its former glory and was content for the application to be approved.

Ward Member Councillor Arthur commended the applicant's effort in addressing previous concerns by organising public displays and discussing the application with members of the public. He was pleased to note that the proposed public access would enhance the current views of the listed building. The building and design materials complemented the natural surroundings of the area. Councillor Arthur moved that the application be granted.

Councillor Buttinger seconded the motion for approval but requested that two of the recommended conditions be strengthened. At a meeting of the Borough's Countryside Panel (of which Councillor Buttinger was a member), concerns were raised in relation to the species of bat found on the site. In this regard, the condition relating to bats should be strengthened to ensure they would not be disturbed by excessive light pollution. As a survey to identify important species of fungi had proved to be inconclusive, it was necessary that a watching brief be undertaken on the main lawn area.

The Chief Planner confirmed that the conditions relating to Councillor Buttinger's concerns would be enhanced where necessary. He also responded to the comments regarding the need to secure the restoration of the building by suggesting a widening the scope of the Section 106 Agreement to ensure that the Listed Building restoration work was undertaken at a suitable stage of the development.

Councillor Michael stated that although the proposed scheme would result in an improvement of the site, it was not ideal as she would prefer that no housing be established on the south west side of the area. However, Councillor Michael was pleased with the proposed restoration of Hayes Court Grade II listed building.

The Chief Planner confirmed that where necessary, trees would be removed and replaced as part of the overall landscaping scheme. A buffer would also be established to encourage suitable tree and landscape management.

**Members unanimously RESOLVED that PERMISSION BE GRANTED SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT as recommended, subject to the conditions and informatives set out in the report of the Chief Planner with the following amendments:-**

**Section 106 Agreement**

**The S106 legal agreement is to include the provision of a financial contribution to healthcare and education infrastructure and an affordable housing provision. The agreement is to include public access to the site, a landscaped buffer falling outside of the residential curtilages with associated site management plan and restoration works to the Ice House. The agreement will secure the renovation and restoration of the Listed Building so that it shall be substantially completed prior to the first occupation of any dwellings (or a similar stage).**

**Conditions 35, 36 and 37**

**35 Details of a lighting scheme for the development designed to minimise where possible the impact on biodiversity, and particularly bats, in accordance with current or other appropriate guidance [http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](http://www.bats.org.uk/pages/bats_and_lighting.html), in particular avoiding any lighting of the surrounding vegetation of Hayes Common, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The development shall be completed in accordance with the approved details and shall be permanently maintained as such thereafter.**

**Reason: In order to comply with Policy NE5 of the Unitary Development Plan and in the interest of any protected species present at the site.**

**36 Prior to the commencement of the development hereby permitted, the North Lawn as indicated within the Design and Access statement shall be assessed by a qualified fungal expert in late autumn and a brief of the findings submitted to the Local Planning Authority. Should any important species be found, the lawn shall be managed and treated permanently thereafter without the use of chemicals and in accordance with a suitable methodology outlined by the brief. The methodology shall be approved in writing by the Local Planning Authority prior to the commencement of the development.**

**Reason: In order to comply with Policies NE4 and NE5 of the Unitary Development Plan and in order to protect the health of any important species present at the site.**

**37 Prior to the commencement of the development hereby permitted, a watching brief shall be undertaken over the whole of the site by an experienced badger expert in order to assess for badger activity. The results of this watching brief shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. The area where the current sett is sited, as outlined in the submitted Ecological Appraisal, should be protected from plant, materials and demolition.**

**Reason: In order to comply with Policy NE5 of the Unitary Development Plan and in the interest of protected species present at the site.**

**18c (14/02410/LBC) - Hayes Court, West Common Road, Hayes, Bromley**

Members considered the following planning application report:-

<b>Item No.</b>	<b>Ward</b>	<b>Description of Application</b>
6c (page 79)	Hayes and Coney Hall	Part demolition of Hayes Court and detached outbuildings at site LISTED BUILDING CONSENT at Hayes Court, West Common Road, Hayes Bromley BR2 7AU.

Councillor Arthur moved that the application be granted; this was seconded by the Chairman.

**RESOLVED that LISTED BUILDING CONSENT be GRANTED as recommended, subject to the condition set out in the report of the Chief Planner.**

**19 LB BROMLEY FIVE YEAR HOUSING SUPPLY PAPER 2014**

**Report DRR14/086**

The National Planning Policy Framework specified that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. In line with this policy, Members considered the five year supply position for the Council from 1 April 2014-31 March 2019 which concluded there was a suitable five year housing supply in the Borough.

The Chairman stated he was satisfied that the figures indicated in the report complied with the National Planning Policy Framework.

Councillor Fawthrop reported that around 24 units in the Petts Wood area had continued to be out of use for over six months and were currently being refurbished. He asked why the units had not been utilised and why they had been excluded from the current identified figures. The Chief Planner agreed

to look into this matter and drew attention to a list of tabled corrections to the report.

**RESOLVED that the five year housing supply position for 1 April 2014 to 31 March 2019 (including corrections as tabled) be agreed.**

**20           RESPONSE TO GOVERNMENT CONSULTATION ON  
              FURTHER CHANGES TO THE PLANNING SYSTEM**

**Report DRR14/088**

The Government's "Technical Consultation on Planning" was published on 31 July 2014 and sought views across a range of issues built upon the recent planning reforms. Members were requested to agree the Council's response to the consultation which ended on 26 September 2014.

The Chairman outlined the report and considered that the officer responses to the consultation adequately reflected past views of the Development Control Committee with the exception of one or two which could be strengthened.

Councillor Michael stated that whilst the responses concerning permitted development rights addressed the majority of Member concerns, she suggested that the answer to Question 2.15 (paragraph 3.18, page 7) should be 'No' as the Authority preferred to retain control of such issues.

Councillor Fawthrop reported that new powers restricting parking should be put in place and suggested that the response to Question 2.16 (paragraph 3.19, page 7) should be begin with the word 'Yes'.

Referring to Question 2.18 (paragraph 3.21, page 7), Councillor Michael emphasised the need for strong control over the installation of solar PV up to 1MW on the roof of non-domestic buildings and for Members to retain the ability to refuse applications where an installation would result in an impact on visual amenity.

**RESOLVED that the Council's response to the Government's "Technical Consultation on Planning" be agreed subject to the following amendments:-**

- 1) The wording in response to Question 2.15 (paragraph 3.18), to be replaced with:- 'No – LPAs should retain control as such development could have highway or retail impact implications which should be properly assessed.'**
- 2) The response to question 2.16 (paragraph 3.19), should begin with the word 'Yes' followed by the wording set out in the report.**

- 3) The response to Question 2.18 (paragraph 3.21), should begin with the wording 'No - there should be consideration.....' followed by the wording set out in the report.**

The meeting ended at 8.10 pm

Chairman



## QUESTION TO THE CHAIRMAN OF DEVELOPMENT CONTROL COMMITTEE FOR WRITTEN REPLY

### Question from Mr C Willetts, Governor of Kemnal Academy

*“Could you update us as to the latest position on the LBB injunction proceedings ‘for the owner/operator to remove all tipped waste material/reinstate green belt land to its former appearance’ on the W4F site.”*

### Chairman’s Response

I presume that you refer to the decision of the Council to take proceedings under the Town and Country Planning Act for the encroachment of waste from the boundaries of the licensed waste transfer station onto adjoining land. This is a separate issue to the Environment Agency’s ongoing legal action relating to the Waste 4 Fuel site.

The Council have not sought an injunction as the company has complied with the requirement to remove the waste from the adjoining land. The Council is regularly visiting the site to check that no further encroachment on the adjoining land takes place and if necessary this decision will be reviewed.

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