

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held at 6.30 pm on 22 November 2012

### **Present:**

Councillor Peter Dean (Chairman)  
Councillor Alexa Michael (Vice-Chairman)  
Councillors Graham Arthur, Douglas Auld, Katy Boughey,  
Lydia Buttinger, Simon Fawthrop, Peter Fookes, John Ince,  
Russell Jackson, Charles Joel, Tom Papworth, Sarah Phillips,  
Richard Scoates and Harry Stranger

### **Also Present:**

Councillors Colin Smith, Michael Tickner and Stephen Wells

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

Apologies for absence were received from Councillors Mrs Anne Manning and Eric Bosshard; Councillors Charles Joel and Sarah Phillips attended as their respective substitutes. Apologies for absence were also received from Councillors Nicky Dykes and Russell Mellor.

#### **25 DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **26 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 20 SEPTEMBER 2012**

**RESOLVED that the Minutes of the meeting held on 20 September 2012 be confirmed and signed as a true record.**

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

No questions were received.

#### **28 APPLICATION TO REGISTER LAND BEHIND 94-98 AND 126 HIGH STREET, BECKENHAM AS A TOWN OR VILLAGE GREEN**

The report outlined Mrs Graham Paul's recommendations following a non-statutory Inquiry on 24 and 25 September 2012 in relation to an application to register land behind 94-98 and 126 High Street, Beckenham as a town or village green. Mrs Graham Paul is a barrister with expertise in the law and practice relating to town and village greens and had been appointed by the

Council to report whether the application should be accepted or not. Following consideration of her report, Members were requested to decide whether or not the land should be registered as a town green.

Representations in support of the application were received from visiting Member Councillor Michael Tickner who expressed his surprise that a member of the Central Beckenham Residents' Association (CBRA) had not been permitted to speak at the meeting. He pointed out that whilst procedural directions were set by the Council, Mrs Graham Paul had referred to the inquiry as a 'formal' inquiry. As such, the objectors had the advantage of legal representation from a top legal barrister, something which the CBRA could not afford.

The Town Green and Village legislation, approved by Parliament, gave residents the opportunity to take action to protect green spaces from development. As Councillor Tickner believed the report did not take into account the utilisation of the land by residents, he urged Members to consider the wider issue of the consequences resulting from a refusal to register the land which would mean a change of use and the loss of green space.

Councillor Tickner reported that the CBRA had provided evidence that the site had been used by many local people for more than 20 years. If Members approved the application, the town green would contribute towards revenue generating opportunities by providing a 'breathing space' for new businesses in the area. New grants would be available to enable specially designed play areas to be provided for local children and parking facilities to aid businesses. This would bring further footfall to the area without exacerbating current traffic problems.

In conclusion, Councillor Tickner saw this as the Council's final chance to transform Beckenham by providing the area with a new open space and therefore a new identity for the future. If Members refused the application, this would lead to the erection of new dwellings which would increase the density of the area.

Mr Greg Ullman, Team Leader Planning, Environment and Licensing explained that whilst public speaking was only permitted in relation to planning applications, representations in objection to and in support of the application (including those of the CBRA) had been submitted at the two day inquiry which were subsequently taken into consideration by Mrs Graham Paul.

The Chairman commented that whilst he would like to see the application approved, it was unfortunate that the required criteria had not been met. The Council had done everything it could however, Mrs Graham Paul had concluded emphatically that the application should be refused. With regret, the Chairman moved that the Committee decline to register the land.

Councillor Fawthrop opposed the Chairman's view and moved that the land be registered on the basis that Members should not be swayed by the report's conclusions and should vote for what they knew to be right. He agreed with

Councillor Tickner's view that the CBRA had been disadvantaged at the public inquiry because it could not afford legal representation.

Agreeing that the required criteria had not been met, Councillor Arthur seconded the motion to decline the application.

Following a vote of 10-2, **Members RESOLVED that:-**

- 1) the report dated 31 October 2012 prepared by Mrs Annabel Graham Paul into the application to register land behind 94-98 and 126 High Street, Beckenham as a town or village green be accepted; and**
- 2) registration of the land, both in whole and in part, be DECLINED for the reasons set out in Mrs Annabel Graham Paul's report dated 31 October 2012.**

Councillor Fawthrop's vote against declining the application was noted.

**29           EXTENDING PERMITTED DEVELOPMENT RIGHTS FOR  
HOMEOWNERS AND BUSINESSES: TECHNICAL  
CONSULTATION. THE COUNCIL'S RESPONSE TO THIS  
NATIONAL CONSULTATION**

In November 2012, a national consultation was published in respect of a set of proposals to amend the Town and Country Planning (General Permitted Development) Order 1995 to allow homeowners and businesses to make larger extensions to their homes and business premises without requiring a planning application and to allow quicker installation of broadband infrastructure. The consultation period would end on 24 December 2012.

Members considered the Council's response to the proposals as set out in the report.

The Chairman reported that the consultation had been considered at previous DCC and Council meetings. Letters had been sent to the Planning Minister setting out the Council's reaction to the proposed changes. With the Leader of the Council and the Portfolio Holder for the Environment, the Chairman had also met with the Minister to personally discuss the consultation. The Chairman moved that the Council's response to the consultation be submitted.

Members requested that the following observations be incorporated into the response at question 1:-

- 1) Non-protected areas included Areas of Special Residential Character which was how the Bromley Unitary Development Plan protected areas which had an attractive and spacious nature. The spaciousness of such areas would be seriously prejudiced by the larger extensions permitted by the amendments.

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- 2) The size of permitted extensions would significantly reduce garden land; this was contrary to previous changes introduced in 2010 which addressed the problem of 'garden grabbing'.

**RESOLVED that the Council's views and comments, as set out in the report, be submitted as a response to the national consultation with the response to question 1 amended to include Member comments as above.**

The Meeting ended at 6.55 pm

Chairman