

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 20 June 2013

Present:

Councillor Peter Dean (Chairman)
Councillor Alexa Michael (Vice-Chairman)
Councillors Graham Arthur, Douglas Auld, Eric Bosshard,
Lydia Buttinger, Nicky Dykes, Simon Fawthrop, Peter Fookes,
John Ince, Russell Jackson, Charles Joel, Mrs Anne Manning,
Russell Mellor, Tom Papworth, Richard Scoates and Colin Smith

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Katy Boughey;
Councillor Colin Smith attended as substitute.

2 DECLARATIONS OF INTEREST

Councillor Mrs Manning declared an interest in Item 5 as her son was a
Planning Director at GL Hearn.

At this point in the meeting, Councillor Mellor referred to three reports
considered by the Renewal and Recreation PDS Committee on 11 June 2013
namely:-

- Item 11 - Town Centres Development Programme Update;
- Item 12 - Queens Gardens Appeal - Update on Progress of the Public Inquiry; and
- Planning Appeals - Costs Decisions.

As the above reports were of great interest to DCC Members, Councillor Mellor requested (and the Chairman agreed), that these and other planning related issues should also be submitted to future meetings of DCC.

The Chief Planner would consult with the Chairman of the Renewal and Recreation PDS Committee on this matter.

3 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 9TH APRIL AND 15 MAY 2013

Councillor Fawthrop requested an update on:-

- 1) Page 60, 3rd paragraph, final sentence - the implementation of a system to incorporate Members' views in planning application reports.

- 2) Page 71, Resolution 1 - the progress made to implement the suggested action plan to minimise future planning appeal costs awarded against the Council. Councillor Fawthrop clarified that this had two aspects, namely:-
- a) the use of the recommendation "Members' Views Requested" in planning reports; and
 - b) generally taking Members' views into account.

Referring to Resolution 2 on page 61, the Chairman informed Members that the first meeting of the newly formed Panel Group would take place on 4 July 2013.

RESOLVED that the Minutes of the meetings held on 9 April and 15 May 2013 be confirmed and signed as a true record.

4 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

5 REPORT ON LOCAL PLAN 'OPTIONS AND PREFERRED STRATEGY' CONSULTATION

Report DRR13/082

When adopted, Bromley's Local Plan would guide development in the Borough for the next 15-20 years and together with the London Plan, would form the development plan for the Borough.

Members considered a summary of the consultation undertaken for the Local Plan 'Options and Preferred Strategy' stage together with responses received and the next steps to be taken. Particular attention was given to the 'soundness' and 'general conformity' of the Local Plan with the National Planning Policy Framework and the London Plan.

The Chairman expressed his disappointment that the consultation had been responded to more by third parties whose responses related to areas of concern within their specific fields of expertise. Responses received from residents largely supported the Strategy.

The majority of residents did not agree with the GLA and a number of developers who called for a review on the release of Green Belt land. The Chairman urged the Council to adhere to the current system of permitting the release of Green Belt land only in cases where exceptional circumstances for doing so were proven.

Residents considered that the current provision of gypsy and traveller sites within the Borough should be maintained.

Councillor Fawthrop conveyed his displeasure that planning applications which had already received permission were not taken into consideration when housing targets were set by the GLA. He continued to say that house building had declined since targets were introduced and that Government and Socialist interference did not aid the situation.

Referring to the GLA's view that the option for parking did not conform with the London Plan, Councillor Fawthrop believed it was the London Plan which did not conform with Government opinion. Whilst the Chairman considered that the option for minimum parking should be maintained, Councillor Fookes believed an increase in parking provision was required.

Councillor Michael was in favour of retaining the housing target of 470 units and advised the Council to inform the GLA that an increased target would have a significant impact on the character and openness of the Borough and that a distinction between inner and outer London should be made. Councillor Fookes suggested that 500 units would be a more realistic target.

Councillor Michael also urged the Council to make it clear that Green Belt land characterised the openness of the Borough and barred against urban sprawl. The release of Green Belt land should not, therefore, be permitted.

Referring to the GLA's comments (page 17, paragraph 3.4.7), that a higher density could be achieved in outer London locations in 'sensitive ways', Councillor Ince stated that areas of local character were, by their very nature, low density areas. He queried what the GLA meant by the word 'sensitive'.

Commenting on the options for Gypsies and Travellers (page 29), Councillor Mrs Manning queried why the Showmens site in King Henry's Drive was no longer used when there was a clear demand for sites. The Head of Planning and Strategy Projects believed the site was not specifically for gypsies and travellers but agreed to look into the matter further and report back to Councillor Mrs Manning.

Councillor Dykes was concerned with the loss of office space through change of use to living space. Referring to the economic recession and its impact on businesses during over the past few years, Councillor Joel was confident that the current lack of office occupation would improve in time.

Councillor Mellor was concerned at the desperate shortage of commercial land within the Borough and was vehemently opposed to the change of office use for the reason that office buildings were not suitable for conversion to residential accommodation. Councillor Ince stated that the local authority should retain its ability to decide whether or not permission for conversion should be granted.

Councillor Papworth referred to the soaring costs of house prices and the benefits captured by developers. He emphasised the need to establish a support system for younger residents who were currently required to save for

approximately 10-15 years in order to accumulate enough money for a deposit to buy a house with a mortgage costing 10 times their salaries.

Councillor Fawthrop drew attention to the double standards of the current housing supply system where developers provided social housing consisting of confined living space with no gardens however they reaped all the benefits by providing private accommodation for people who could afford bigger and better things.

Councillor Smith said that whilst there was a shortage of housing in some areas, there was actually an over-supply in others.

RESOLVED that the preferred options be progressed to develop draft policies and site allocations, with key issues and areas of potential non-conformity with the London Plan brought back to the LDFAP and DCC for further discussion.

6 LB BROMLEY FIVE YEAR HOUSING SUPPLY

Report DRR13/081

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 2013-31 March 2018.

Councillor Fookes drew officers' attention to a number of sites which he knew to have been completed but had been omitted from the list at Appendix 1.

Councillor Mrs Manning queried the 'commenced' status for the Fairacres site as no work had actually been undertaken since permission was granted. The Head of Planning Strategy and Projects informed Members that the Council contacted developers and applicants to ascertain when they intended to start work. In addition records from the NHBC and Building Control were checked to ensure that the required Building Control Certificates had been issued. Councillor Mrs Manning was informed that work on the Fairacres site had technically started in 2010 despite the fact that only a small amount of earth had been moved since that time.

Councillor Joel reported that when planning permission was granted, works were usually required to begin within a 3 year period of time; however, permission to extend that time was often granted. The impact of the current economic recession and high mortgage rates did not help the present position. Councillor Joel would like to have sight of statistics showing the number of occupied houses along with those where work had started or been completed.

With regard to housing targets, Councillor Ince raised concern that unprotected land would be built on in such a short amount of time that the

only way to achieve the targets would be with the release of Green Belt land. He considered it would be beneficial to advise the Government or the GLA that the proposed targets should apply to rural areas where there was potential for infill and reuse of redundant farm land.

RESOLVED that the five year supply position 01/04/13-31/03/18 be agreed.

7 SUPPLEMENTARY PLANNING DOCUMENTS AFFORDABLE HOUSING AND PLANNING OBLIGATIONS: PAYMENTS IN LIEU ADDENDUM

Report DRR13/078

Members considered an addendum to the Council's adopted Supplementary Planning Documents (SPDs) on Affordable Housing and Planning Obligations. The addendum outlined changes to the methodology of calculating payments in lieu for relevant affordable housing schemes.

The Chairman informed Members that the reported change was standard market practice amongst the majority of local authorities elsewhere.

RESOLVED that:-

- 1. the addendum to the Council's adopted SPDs on Affordable Housing (2008) and Planning Obligations (2010) updating references to payments in lieu be agreed; and**
- 2. the changes in methodology to calculate payments in lieu be noted.**

8 PLANNING SERVICE IMPROVEMENTS

Report DRR 13/083

In April 2013, Members endorsed a revised Outline Planning Improvement Plan as a framework for improvement. Customer Service was identified as the primary area for review followed by Planning Enforcement.

Members considered progress to date, together with an updated version of the Improvement Plan. A report on Planning Enforcement was considered at item 9 of the agenda.

Referring to the figures outlined at the top of page 66, Councillor Mrs Manning asked why there were budget details for the year 2013/14. The Chief Planner responded that as the Improvement Plan ran from cycle-to-cycle, budget data was included in this report.

Members were informed that the most convenient date to hold the all Councillor Seminar on Planning Customer Service was being sought.

RESOLVED that the Planning Service Improvements be noted and the next priorities set out in the report be endorsed.

9 PLANNING PERFORMANCE ON IMPROVEMENTS - FOCUS ON ENFORCEMENT

Report DRR13/085

In accordance with review priorities identified in the Outline Planning Improvement Plan endorsed in January 2013, this report focussed on enforcement of planning control.

At a DCC meeting held in June 2012, Members resolved that a Local Enforcement Policy be prepared and adopted in accordance with guidance in the National Planning Policy Framework to incorporate changes introduced by the Localism Act 2011.

Members were requested to adopt the policy as a framework for reinforcing the Council's planning enforcement powers.

The Chairman was disappointed to note that the report did not tackle problems associated with enforcement action and did not include proposals for improvements to alleviate the pressure placed upon Councillors to answer residents' questions with regard to progress of enforcement action. Although informative, the report did not address existing service issues.

Councillor Michael expected to see a list of the current number of cases pending in the Borough as a whole and enquired what action would be taken to deal with outstanding cases. Councillor Michael also asked that 'direct action' be included under the list of powers available on page 205 of the report.

Members agreed that a strong, adequately staffed Enforcement Team should be in place at all times.

Councillor Jackson suggested (and the Chairman agreed), that a Member Working Party be formulated to discuss issues and cases and to identify and examine any barriers or constraints facing officers during the enforcement process. The Working Group should comprise 3 or 4 Members together with the Chief Planner and the Development Control Manager.

In outlining a specific case where legal loopholes had been used to escape enforcement action, Councillor Mellor urged the Council for speedier action to be taken when required.

Councillor Fawthrop suggested it may be beneficial to study how other local authorities deal with enforcement issues. It appeared that the Council was slow to react and often left situations to get out of control before any action was taken.

Councillor Papworth commented that the usual recourse to prosecution could be long and tedious. He suspected problems originated from enforcement policies within the Department and suggested a review of the enforcement process be carried out to ascertain how quickly the Council moved to take direct action.

RESOLVED that:-

- 1. a Working Party be formulated to discuss issues and cases and to identify and examine any barriers or constraints facing officers during the enforcement process. The Working Group to comprise 3 or 4 Members of DCC together with the Chief Planner and the Development Control Manager;**
- 2. officers establish a protocol for incorporating a response time to Members' queries; and**
- 3. a study of other local authorities be undertaken to identify how matters of enforcement were dealt with.**

10 PLANNING ENFORCEMENT - QUARTERLY MONITORING REPORT (JANUARY - MARCH 2013)

Report DRR/13/076

Members considered a summary of enforcement activity for the period 1 January to 31 March 2013, the majority of which was authorised by the Chief Planner under delegated authority.

Councillor Auld suggested that a list should be compiled on a monthly basis showing the number of outstanding uncompleted cases. The list should be submitted to the newly formed Enforcement Working Party for their consideration.

RESOLVED that:-

- 1. the report be noted; and**
- 2. a list to be compiled on a monthly basis showing the number of outstanding uncompleted cases. The list should be submitted to the Enforcement Working Party for their consideration.**

11 CHIEF PLANNER DELEGATED POWERS

Report DRR13/085

Agreement was sought for an amendment to the Chief Planner's delegated authority to include two new types of 'prior approval' associated with permitted development for householders and changes of use.

RESOLVED that changes to the Chief Planner's delegated authority be agreed.

The meeting ended at 8.30 pm

Chairman