

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held at 7.30 pm on 9 February 2016

### **Present:**

Councillor Peter Dean (Chairman)

Councillors Vanessa Allen, Graham Arthur, Douglas Auld, Kathy Bance MBE, Eric Bosshard, Katy Boughey, Lydia Buttinger, Simon Fawthrop, Ellie Harmer, Charles Joel, David Livett, Russell Mellor, Alexa Michael, Richard Scoates and Michael Turner

### **Also Present:**

Councillor Peter Morgan

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

An apology for absence was received from Councillor Nicky Dykes.

#### **52 DECLARATIONS OF INTEREST**

No declarations of interest were received.

#### **53 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 10 DECEMBER 2015**

**RESOLVED** that the Minutes of the meeting held on 10 December 2015 be confirmed and signed as a correct record.

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

The following written question was submitted by Mr Clive Lees, Chairman, Ravensbourne Valley Preservation Society:-

‘In respect of 14 Highland Road BR1 about which a planning enforcement complaint was made on 26 January 2015, we should be grateful to learn what progress has been made in regularising the situation and if appropriate, an indicative timetable of future progress.’

The Chairman’s response was as follows:-

‘I can confirm that an application has been submitted to the Council and registered under our ref DC/16/00384/RECON in connection with Conditions 2,8,12,13. Minor Material Amendment to DC/08/02582/FULL 1 in order to

allow changes to the approved landscaping details with the removal of, reconfiguration of windows, relocation of refuse storage area and cycle storage area.

Once the application has been validated, the case will be allocated to Stephanie Gardiner in Development Control West. Neighbour consultation will take place in accordance with Council procedures once this has been through the validation process.'

**55            PLANNING APPLICATION - (15/04759/FULL1) - FOOTZIE  
SOCIAL CLUB, STATION APPROACH, LOWER SYDENHAM,  
LONDON SE26 5BQ**

**Report DRR16/026**

Description of application – Demolition of the existing buildings and redevelopment of the site by the erection of a basement plus part 8 part 9 storey building comprising 253 residential units (128 x one bed; 115 x two bed and 10 x three bed units) together with the construction of an estate road, car and cycle parking spaces and landscaping of the east part of the site to form an open space accessible to the public.

The Planning Officer reported the following:-

Correspondence

A copy of a letter from Relta Limited dated 8 February 2016 was e-mailed and tabled to Members, together with an earlier Relta letter dated 26 January 2016.

The letter of 8 February 2016 included a draft report (also tabled) which was a critique of the deliverability of sites within the Bromley Town Centre Area Action Plan (BTCAAP), although it noted that 413 dwellings may be delivered over the coming five years. The earlier letter of 26 January 2016 expressed Relta's concerns about the Housing Zone bid for Bromley Town Centre and sought information about that bid.

Officer Report – Supplementary Comments to the Agenda

The officer report (p32) addressed the issue of housing need and supply. It noted that the five-year housing land supply paper was agreed by the Council in June 2015 and concluded that the Borough does have a five-year housing land supply. This was of particular relevance to the consideration of the planning application. The Housing Supply Policy in the London Plan Policy 3.3 (March 2015) and the principal evidence on which it was based, were both recent. The Strategic Housing Land Availability Assessment 2013 (SHLAA) was evidence of an adequate housing land supply in the Borough. The Development Plan process, as noted on page 33 of the agenda, was underway and would consider the longer term land allocation in due course. The Housing Zone was currently awaiting a Mayoral announcement.

In conclusion, the Planning Officer reported that the officer recommendation remained as set out in the agenda (subject to the update below).

The Planning Officer gave a summary of the following update which was circulated to the Committee in writing:-

Update to Officer Report

Following publication of the report, comments from the Council's Housing Team were received and summarised as follows:-

- Whilst it was appreciated that the proposed split was reflective of the wider mix on site, the proportion of one bedroom units proposed for the affordable housing element was quite high.
- Ideally the Housing Team would prefer a split with a larger proportion of family sized units and to lose some of the one bedroom units to achieve this.
- This would be preferable in management terms and better reflective of the housing needs in the borough at this time, with more than 60% of need for 2 bedroom accommodation.

Similar comments were made in respect of the previous application and the proposed unit mix had been considered in detail in the officer report and found to be acceptable in this case. This information did not therefore alter the conclusions of the report or the officer recommendation.

Update to Recommendation

As a result of the requirement to refer the application back to the Mayor of London following any resolution to determine the application by the Council, a formal decision on the application would not be issued within the statutory 13 week determination period, which expired on 10 February 2016.

The applicant's agent had advised in correspondence received following publication of the report that in the event of the Committee resolving to grant permission, an extension of time would be agreed. However, should the Committee decide not to approve the application, the applicant would proceed to submit an appeal following expiry of the statutory period set for the determination of the application.

The recommendation in the officer report was therefore updated to:  
**RECOMMENDATION: REFUSE (SUBJECT TO ANY DIRECTION BY THE MAYOR OF LONDON) OR IN THE EVENT THAT AN APPEAL AGAINST NON-DETERMINATION IS LODGED, RESOLVE TO CONTEST THE APPEAL** for the reasons set out in the report.

Councillor Mellor, Ward Member for Copers Cope, commended Mr Hamilton for producing an excellent, well-crafted report which considered both the merits and demerits of the current application.

On the basis that his views remained consistent with those reported during consideration of the previous application on 24 September 2015, Councillor Mellor moved that permission be refused.

Councillor Fawthrop seconded the motion for refusal.

Referring to the comments from consultees (page 19 of the report), Councillor Auld stated that should a further variation to the application be submitted in the future, consideration must be given to the fact that very special circumstances had not been demonstrated to outweigh the harm to the openness of MOL and that the applicant would be required to conduct a financial viability assessment to demonstrate that the maximum reasonable amount of affordable housing was being delivered.

Members having considered the report and objections, **RESOLVED that the application BE REFUSED (SUBJECT TO ANY DIRECTION BY THE MAYOR OF LONDON) OR IN THE EVENT THAT AN APPEAL AGAINST NON-DETERMINATION IS LODGED, RESOLVE TO CONTEST THE APPEAL** for the reasons set out in the report.

**56 LAND AT HAVELOCK RECREATION GROUND - APPLICATION  
FOR REGISTRATION AS A TOWN OR VILLAGE GREEN**

**Report CSD16029**

Members considered the legal position and evidence submitted in relation to an application to register land at Havelock Recreation Ground, Bromley, as a Town or Village Green. After completion of the statutory requirements, it was the duty of the Council as registration authority, to decide if the area should be registered, or whether a public inquiry should be held for an Inspector to make a recommendation in this respect.

It was reported that Ward Members for Bromley Town, Councillors Rutherford, Dykes and Harmer, strongly supported the application to recognise Havelock Recreation Ground as a town green. As demonstrated in the report, the application met the basic standards and the analysis showed that the application had all the characteristics of a town green – the land was used by a significant number of people for lawful pastimes and had been for a long time.

The argument appeared to come down to whether access to the ground was "as of right". The Ward Members believed that this condition was also met. Havelock Recreation Ground was left to the children of Raglan Road School as a facility for the community. Bromley Council was looking after the land on behalf residents who were using it as of right.

The Chairman reported Havelock Recreation Ground was already designated for community use. However, the Council as land owners, were at liberty to recommend to the Executive that the land be registered as a town or village green as it was within the Council's gift to do so.

Being familiar with the site, Councillor Michael considered it to be the only piece of land available for recreational purposes within an area of high density housing and should, therefore, be safeguarded as public amenity use. Councillor Michael moved that Members recommend to the Executive that the land be voluntarily registered as a town or village green. Councillor Fawthrop seconded the motion.

The legal representative clarified the technical meaning of 'by right' and 'as of right'. He explained that land used by the public of a recreation ground where the Council owns the land for that use, falls within the category of 'by right' as opposed to 'as of right' which is where the public have no right to use the land but continue to use it as if they do. Registration as a town or village green would afford the land extra protection against any application to redevelop the site.

**RESOLVED to recommend to the Executive that Havelock Recreation Ground be voluntarily designated as a Town or Village Green.**

**57            MARKETING AND DEVELOPMENT BRIEF: OPPORTUNITY  
                 SITE B TWEEDY ROAD**

**Report RR16/025**

Members considered further design guidance outlining the form and style of development considered acceptable for Tweedy Road, Bromley, designated as Opportunity Site B within the Bromley Town Centre Area Action Plan.

The site was currently being used as a works compound for the Bromley North Village Public Realm improvements and it was anticipated that temporary use of the site would cease on completion of the works at the end of February 2016. Executive approval was being sought to market the Opportunity Site for sale and possible joint venture options.

It was confirmed that the final marketing document proposed a layout of three residential blocks consisting of a total of 24 units and all tenders should comply with this.

Councillor Allen considered the current approach for marketing the site to be too prescriptive and that other proposals may be just as beneficial to the Council.

The Chairman moved that the additional guidance be endorsed; this was seconded by Councillor Fawthrop.

**RESOLVED that the additional guidance be endorsed for marketing purposes.**

**58            RESPONSE TO CONSULTATION ON PROPOSED CHANGES  
                 TO NATIONAL PLANNING POLICY**

**Report DRR 16/024**

Agreement was sought on the Council's response to the Government's consultation on changes made to the National Planning Policy Framework in order to increase the delivery of housing. These changes would impact on planning decisions and on local policy being developed in the emerging Local Plan.

Concern was raised in regard to the inclusion of starter homes and the impact this would have on housing areas, together with the fact that they would be exempt from CIL charges. Starter homes would also become part of the normal housing stock after a five year period. Members agreed that the word "potentially" be deleted from the Council's suggested response set out at paragraph 3.47 on page 115 of the report.

Referring to the delivery of housing on land allocated in plans, Councillor Fawthrop suggested that the Government be asked what it was doing to encourage builders to build.

In regard to supporting housing development on brownfield land and GB land (page 111), it was agreed that certain scenarios which gave rise to Member concerns be specified in the Council's response.

Councillor Bance considered that some brownfield sites in Bromley could be developed and the Council's response did nothing to meet NPPF in regard to attaining housing targets.

It was suggested that options for rebalancing housing development across the country, could be discussed as a separate issue at a future meeting of the DCC.

**RESOLVED that, subject to the variations mentioned above, the suggested responses set out in the report, form the basis of the Council's response to the NPPF consultation.**

The meeting ended at 8.00 pm

Chairman