

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 14 October 2010

### **Present:**

Councillor Alexa Michael (Chairman)  
Councillor Charles Joel (Vice-Chairman)  
Councillors Douglas Auld, Nicholas Bennett J.P., Eric Bosshard,  
Katy Boughy, Lydia Buttinger, John Canvin, Simon Fawthrop,  
Peter Fookes, John Ince, Russell Jackson, Anne Manning,  
Russell Mellor and Richard Scoates

### **35 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS**

Apologies for absence were received from Councillors Reg Adams, Peter Dean and Paul Lynch. Councillors John Canvin and Nicholas Bennett JP attended as alternates for Councillors Adams and Dean respectively.

### **36 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **37 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 31 AUGUST 2010**

Minute 32 (Appendix 1, page 39, paragraphs 4 and 5) - The Mayor of London's Statement on the London Plan Targets

It was reported that Appendix 1 had not been submitted for the consideration of amendments. In light of this information, the proposed amendment to Chapter Three - Policy 3.3: Housing supply, was retracted.

Subject to the above, Members **RESOLVED** that the **Minutes of the meeting held on 31 August 2010 be confirmed and signed as a correct record.**

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

No questions were received.

### **39 TRAFFIC AND PARKING INFORMATION**

The Chairman referred to ongoing concerns by Members that traffic and parking comments were not always included in reports or reported verbally at meetings.

A presentation was then given by Mr Iain Forbes, Head of Transport Strategy and Mr Duncan Gray, Development Manager, to advise Members of the Highways Authority's role in development control.

The Highways Authority considers planning applications and advises the Planning Authority of any traffic and parking issues which may arise.

Mr Forbes gave an overview of the subject matters which are considered in standard planning applications and reported that 90% of assessments are completed with transport comments returned within a two week period. A wider range of matters are considered on major applications which could take longer to complete.

Progress had been achieved in meeting the concerns alluded to by the Chairman at the start of the presentation. The following improvements had been initiated:

- No formal screening of applications;
- Planners to provide early notice of applications likely to go forward as full reports;
- Highways Planning to give those applications priority;
- Comments to be provided via email direct to the case officer.

A question and answer session followed.

Discussion took place concerning Public Transport Accessibility Levels (PTALs). Mr Forbes explained that parking places were set by the London Plan which raised the issue of PTALs not being very effective in Outer London. Parking standards had been through a consultation process and if the Authority were to go too far beyond what was laid down in the standards and a refused application then went to appeal, the Authority stood to have costs substantial costs awarded against it. The Authority discusses and encourages developers to provide more car parking spaces.

It was noted that parking provision around transport hubs was lacking. Mr Forbes reported that this was dealt with through parking controls. He commented that next year's funding from Transport for London (TfL) would allow for the expansion of the car park at New Beckenham Railway Station.

One Member commented that it was important for the Highways Authority to be aware of any objections in planning applications. Mr Forbes agreed and stated that he would welcome a summary of this type of information as objections were not seen at the present time.

Mr Forbes commented that whilst ideally officers would like to visit every site, due to time constraints this was not always possible.

The Chairman thanked Mr Forbes and Mr Gray for an interesting and informative presentation and commented that the Authority must continue to push and lobby for more favourable national and London wide parking policies.

**It was agreed that:**

- 1) Bromley Council should continue to lobby for a more realistic parking policy nationally; and**
- 2) Planning case officers should provide transport officers with a regular summary of objections to planning applications as valuable information can be found here. Transport officers should then explore further if appropriate.**

#### **40 PLANNING BUDGET MONITORING REPORT 2010/11**

##### **REPORT DRR10/00103**

Members considered an update on the latest budget monitoring position for the Planning Division for 2010/11 based on expenditure and activity levels up to 31 August 2010. The latest projections indicated an underspend of £30,000.

Clarification was sought on the large increase in connection with the statement breakdown for Renewal employees (Appendix 1, page 19). The Chief Planner confirmed this was due to Property Services and the Town Centre Regeneration Unit (Strategy and Renewal) being transferred to the Department; the original budget figure did not take account of this. Both sections had brought their own individual budgets with them.

The Chief Planner agreed to provide further information of the variation between the 2009/10 actuals and the budget figures for 2010/11 in respect of Land Charges and renewal.

Councillor Ince queried the reason for the shortfall in planning fees and was informed that, due to the present economic situation, major applications were not forthcoming.

**RESOLVED that the report be noted.**

#### **41 SECTION 106 AGREEMENTS: UPDATE**

##### **REPORT LDCS10182**

Members considered an update on Section 106 Agreements together with a document outlining the financial position of unspent balances of Section 106 funds relating to housing, in particular the latest balance of £2.3m as at 30 June 2010.

Councillor Fawthrop alluded to the expired application relating to Beckenham Hospital (page 39). He enquired whether the monies received had been spent or lost. The Chief Planner responded that he was not aware of any money being lost.

Councillor Bennett JP queried how the Authority ensures that money due from legal agreements is received and whether time limits are applied. Members were informed that if a permitted scheme were to expire, then any legal agreement attached to that scheme would also expire. As soon as development begins, the agreement is brought into the schedule. Some payments are made in stages and are continually monitored. A permitted scheme is active for three years before expiry.

It was agreed that a report be submitted to a future meeting of the Committee to advise Members of developments which were still active but had not yet started.

Members were informed that money received as a result of a S106 agreement was generally used to accommodate shortfalls within the vicinity of the development concerned.

With reference to paragraph 4.8 on page 29 of the report, Councillor Fookes enquired about the current position of the proposed Community Infrastructure Levy (CIL). The Chief Planner informed Members that an introduction date of 2014 had been set; S106 agreement procedures would remain effective until that time.

Members were informed that if, due to economic climate changes, a scheme became unviable, the developer would be required to pay for the Authority to obtain its own independent viability assessment, the outcome of which could lead to the removal of a legal agreement contribution.

**RESOLVED that:**

- 1) a report incorporating a list of Section 106 agreements where developments are 'live' but not yet started be submitted to a future meeting of the Development Control Committee; and**
- 2) the report and its appendices be noted.**

**42 CRYSTAL PALACE PARK MASTERPLAN - UPDATE  
REGARDING THE SECRETARY OF STATE'S CONSIDERATION**

**REPORT DRR10/00097**

The Secretary of State for Communities and Local Government (SoS) was minded to grant planning permission for the Crystal Palace Park Masterplan, subject to revised conditions and a revised Section 106 Agreement. Members

were requested to note the report which informed Members of the content of the letter from the SoS and outlined the subsequent steps which need to be taken by the Council and the London Development Agency (LDA).

A supplementary updating report on the Crystal Palace Park Masterplan was circulated to Members.

Members were reminded that the London Development Agency (LDA) had been given the task of overseeing the Masterplan and scheme; this was not an application to be considered by the Council. Until the final decision was announced, the Chief Planner was not able to comment on either development matters or funding issues.

Councillor Joel asked if the Council would be duty bound to find an alternative site for the Caravan Club. The Chief Planner responded that this would also be the responsibility of the LDA. The Masterplan anticipated that the site would become available in 2019.

Members were informed that the period of time given for submissions and comments to the Secretary of State had been extended to 04.11.10 and the Secretary of State would issue his final decision on or before 13.12.10.

**RESOLVED that the report be noted.**

**43           CONSULTATION BY DEPARTMENT OF COMMUNITIES AND  
              LOCAL GOVERNMENT REGARDING CHANGES TO  
              ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS**

**REPORT DRR10/00096**

The Department of Communities and Local Government (CLG) sought comments on proposed amendments to the Town and Country Planning (Environmental Impact Assessment) Regulations which were required by two recent High Court and European Court judgements, with some other minor changes. Members considered the report, together with the Council's proposed responses.

Councillor Bosshard sought clarification on the amendment to the threshold and criteria for wind farms (paragraph 4, page 52). The Chief Planner commented that this alluded to the size of area and the number of wind farms involved, with the objective that the use of wind farms be supported and encouraged to become more acceptable.

Referring to the same paragraph, the Chairman voiced concern at the removal of the criminal offence provision whereby an applicant is required to publicise an environmental statement. The Chief Planner reported that it would become a civil offence rather than a criminal offence but did not remove the need to publicise a statement.

**RESOLVED that a copy of the report including the responses in the appendix be forwarded to the Department of Communities and Local Government.**

**44 ALL LONDON GREEN GRID**

**REPORT DRR10/00108**

Members considered the Design for London proposal to extend the East London Green Grid to the whole of London. This would provide an opportunity to identify, protect and manage green space and enhance green infrastructure jobs and skills training. The All London Green Grid would support the development and implementation of the London Plan policy, the preparation of Supplementary Planning Guidance (SPG) to the London Plan, produce a delivery strategy and guide the production of the LB Bromley Local Development Framework.

The Head of Strategy and Renewal gave an overview of the report and emphasised to Members that the framework was worth pursuing.

Councillor Mrs Manning was pleased to note the appointment of Alister Hayes, a London Borough of Bromley employee, as Chairman of the steering group for the London's Downlands Area.

Referring to paragraph 3.6 (page 57), Councillor Mrs Manning commented that the objectives therein may not easily be achieved in Bromley due to the fact that people lived in the north of the borough and the majority of green space was situated to the south making accessibility difficult.

**RESOLVED that the proposed All London Green Grid through the production of a Borough-wide framework that can form a basis for external funding be supported.**

**45 DEFERRAL OF WORLD HERITAGE BID**

**REPORT DRR10/00107**

The report informed Members of UNESCO's decision to defer the Darwin Landscape Laboratory World Heritage nomination. The report also contained guidance on the way forward for the Darwin Partnership as co-ordinated and led by Bromley Council.

The Head of Strategy and Renewal informed Members that resubmitting a future bid within the next 5-10 years would be subject to UNESCO's work on their criteria and a decision by the Government to resubmit the site subject to Bromley support. It was emphasised that good work had been achieved and that the partnership should continue because successful local project delivery

had been achieved through external sources such as the Heritage and Lottery Fund. It was intended that the site be kept on the Tentative List for World Heritage status as this would add weight to protective policies in future.

Referring to the final bullet point note in paragraph 3.3 (page 63), it was reported that the Authority did not agree with the view that a nomination should not include the name of an individual in the title and emphasised that signage will contain the name Darwin. Councillor Mellor concluded that any future nomination would immediately fail on that basis. It was reported that any future bid would be formulated upon guidelines applied at that time.

The Chairman stated that the most important factor to bear in mind was the site's contribution to science, not the physical merits or beauty of the immediate area.

Darwin Ward Member, Councillor Scoates was very supportive of the recommendations and conveyed his gratitude to Alister Hayes for his significant contribution to the project.

**RESOLVED that:**

- 1. gratitude be conveyed to the parties involved in the Darwin Partnership for their significant and excellent contributions both to the World Heritage bid and to the local delivery of projects;**
- 2. the Darwin Partnership be retained in place as being the most effective means of protecting, managing and promoting the area;**
- 3. the continuation of Darwin's Landscape Laboratory on the UK's new Tentative List for World Heritage status be supported;**
- 4. applications for external funds for local initiatives and projects be continued; and**
- 5. ways to protect the site through the UDP and forthcoming Local Development Framework be sought.**

**46 2009 DRAFT REPLACEMENT LONDON PLAN HOUSING SPG  
EiP DRAFT**

**REPORT DRR10/00106**

The Draft Replacement London Plan was currently undergoing an Examination in Public (EiP). An EiP draft Supplementary Planning Guidance (SPG) on housing had been produced to provide guidance on how to implement the policies in the Draft Replacement London Plan (DRLP).

The report advised Members of the formal consultation of the Draft Replacement London Plan Housing SPG (EiP Draft) and to agree the Council's formal response in respect of the consultation.

The Chairman emphasised the need to continue to seek a reduction in the housing supply target. She also commented on the importance of keeping policies consistent when dealing with issues of garden land development. With reference to the density matrix, the Chairman stated that she would prefer to see a maximum density rather than a minimum density.

Councillor Fawthrop proposed (and the Committee agreed) to include in the response how regrettable it was that a two-tier system had been created whereby London still had to adhere to housing targets whilst the remainder of the country did not.

**RESOLVED that the report be endorsed as the basis of the Council's response to the GLA's consultation, with the addition of the following paragraph:**

**'It is regrettable that a two-tier system has been created whereby London still has to adhere to housing targets whilst the remainder of the country does not'.**

#### **47 THE IMPACT OF THE CONSTRAINTS IMPOSED BY GREEN BELT AND METROPOLITAN OPEN LAND DESIGNATIONS**

##### **REPORT DRR10/00109**

The Chairman had requested the report to enable Members to discuss the impact of the constraints imposed by Green Belt and Metropolitan Open Land designations without reference to a particular planning application.

The Chairman was disappointed to note that no mention had been made in the report of the issues concerning the increasing population of school children and the need for schools to expand. She suggested that one solution to this problem might be for schools to build upwards instead of outwards. To obtain a better understanding of this issue, the Chairman requested that a statistical report (with input from CYP) on the current situation of Bromley schools and any constraints placed on them, be submitted to a future meeting of the Committee.

Councillor Ince voiced his concern in cases where development on Green Belt or Metropolitan Open Land had been permitted due to 'very special circumstances', more commonly applied to school applications. The Chief Planner explained that prior to 1995, national policy permitted schools to be located in Green Belt and Metropolitan Open Land and therefore special circumstances apply when those schools built prior to 1995 apply for further development.

Councillor Mellor commented that prior to 1995, those schools not located on Green Belt land had larger playing fields and emphasised that Urban Open Space should be treated as equally important.

**RESOLVED that a statistical report (with input from CYP) on the current situation of Bromley schools and any constraints placed on them be submitted to a future meeting of the Development Control Committee.**

**48            MINOR ALTERATIONS TO THE CONSULTATION DRAFT  
REPLACEMENT LONDON PLAN: GYPSIES AND TRAVELLERS  
(INCLUDING TRAVELLING SHOW PEOPLE) AND  
AGGREGATES**

**REPORT DRR10/00104**

In September 2010, the London Mayor published two minor alterations to the consultation draft replacement London Plan concerning gypsies and travellers (including travelling show people) and aggregates. Members were requested to consider and agree to the Council's response to the London Mayor.

During consultation on the draft London Plan, Bromley had consistently and successfully argued for reductions in Bromley targets in respect of gypsy and traveller pitch provision. The Chairman was pleased to note the deletion of Policy 3.9 and the borough targets therein. Bromley will now be responsible for determining the right level of site provision within the borough.

With reference to paragraph 3.9 (page 78), Councillor Bosshard emphasised the need for Bromley to act quickly when enforcement action was needed. Councillor Bennett JP praised the Council for the quick action it had taken on previous occasions and commented that problems with slow enforcement action generally occurred when land was privately owned.

**RESOLVED that the response to the London Mayor on the minor alteration to the draft Replacement London Plan be agreed.**

**49            THE SETTING OF HERITAGE ASSETS: ENGLISH HERITAGE  
GUIDANCE**

**REPORT DRR10/00105**

English Heritage released a draft guidance document entitled 'The Setting of Heritage Assets' for consultation. The consultation questions asked by English Heritage in response to the document were set out in Appendix 1 together with the Council's proposed response. Members were requested to note the details of the consultation document and agree the responses to the consultation questions.

**RESOLVED that the details of the consultation document be noted and the responses to the consultation questions in Appendix 1 be agreed.**

The Meeting ended at 9.05 pm

Chairman