

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 19 April 2011

Present:

Councillor Alexa Michael (Chairman)

Councillors Reg Adams, Douglas Auld, Eric Bosshard, Katy Boughey, Lydia Buttinger, Peter Dean, Robert Evans, Simon Fawthrop, Peter Fookes, Ellie Harmer, John Ince, Russell Jackson, Mrs Anne Manning and Russell Mellor

Also Present:

Councillors John Carvin and William Huntington-Thresher

96 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

Apologies for absence were received from Councillors Charles Joel and Will Harmer; Councillors Robert Evans and Ellie Harmer attended as their alternates respectively. Apologies for absence were also received from Councillors Paul Lynch and Richard Scoates.

97 DECLARATIONS OF INTEREST

There were no declarations of interest.

98 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 8 MARCH 2011

Page 5, paragraph 7, 3rd line down - Appendix 1 - Bromley in 2025 - the reference to "40 conservation areas..." should read "40+ conservation areas...".

Page 7, paragraph 6, 7th line down - Clock House, Elmers End and Eden Park - the words "Clock House, Elmers End and Grove Park....." be amended to read "Clock House, Elmers End and Eden Park....".

Page 10, paragraph 4 - Hayes - It should be emphasised that Councillor Mrs Anne Manning requested a copy of the document to enable her to submit amendments and comments back to the Chief Planner.

Page 10, paragraph 5 - Hayes - Reference to the six bus routes being inaccurate should be amended to refer to the inaccuracy of the six bus route destinations.

RESOLVED that subject to the above amendments, the Minutes of the meeting held on 8 March 2011 be confirmed and signed as a true record.

99 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

100 PLANNING REPORTS

The Committee considered the Chief Planner's reports on the following planning applications:

1. CRAY VALLEY EAST WARD	(10/03086/FULL1) 4 two storey and 3 two/three storey blocks comprising 6 two bedroom and 25 three bedroom houses and 6 one bedroom and 2 two bedroom flats with 3 garages and 55 car parking spaces, bicycle parking, refuse/recycling storage and electricity substation at Invicta Works, Chalk Pit Avenue, Orpington.
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At a Plans Sub-Committee meeting held on 17 March 2011, the above application was deferred on the grounds of layout and design and to seek further information regarding financial viability. Following negotiations, the applicant had offered a payment in lieu of £175,000 for affordable housing.

Oral representations in support of the application were received from the agent acting on behalf of the applicant.

The site had stood vacant for many years and had been marketed for some time. The applicants had sought to acquire the site in 2010.

In response to a question as to why affordable housing could not be provided, Members were informed that issues of contamination had been identified during the viability assessment. The assessors had therefore concluded that on-site provision of affordable housing was less beneficial than payment in lieu. The site did have an alternative use value should the current application be refused.

Education and PCT payments had been modelled into a separate viability appraisal.

Members requested that the Section 106 agreement be formulated to reflect changes in the economy, and for the applicant to undertake an 'open book' approach throughout the development process to enable the Council to monitor viability during 'peaks and troughs' in the economy.

A late letter of objection had been received from the residents of 25 Chalk Pit Avenue who were frustrated at not being notified of the application. The Chief Planner responded that residents in Andrew's Close and those in accommodation leading up to Main Road had been informed and that a press notice and site notice had been also issued. The application had therefore

been properly advertised. Unfortunately it was not possible to notify all residents in the surrounding areas.

The late objections also referred to issues which had previously been considered at the Plans Sub-Committee meeting held on 17 March 2011.

Comments from Ward Members, Councillors McBride and Fortune, in support of the application had been received. Councillor McBride referred to the site's history of nuisance and commented that the site was often used as a dumping ground, causing problems for nearby residents. He considered that the proposed development would improve and secure the site. Councillor McBride was in favour of accepting the payment in lieu of affordable housing.

Councillor Fortune fully endorsed Councillor McBride's statement.

Councillor Ince accepted in principle that affordable housing was not appropriate for the site, but commented that there were sufficient affordable housing sites within the vicinity of the proposed development.

Councillor Ince moved that permission be granted. Councillor Fawthrop seconded the motion subject to cascading arrangements on viability being incorporated into the Section 106 Agreement, and that the applicant comply with an 'open book' approach throughout the development process.

The Chief Planner circulated a layout of the proposed development and confirmed that the vast majority of gardens would be in excess of 10 metres except those situated on a curve which would be slightly less than 10 metres.

Councillor Fawthrop requested that staged payments be made a condition of the Section 106 Agreement.

Members having considered the report, objections and representations **RESOLVED that PERMISSION BE GRANTED SUBJECT TO A SECTION 106 LEGAL AGREEMENT TO SECURE PAYMENT IN LIEU FOR AFFORDABLE HOUSING** as recommended, subject to the conditions and informatives set out in the report of the Chief Planner with the following to be incorporated into the Section 106 Agreement:-

- 1) payments to be made in stages;
- 2) payment linked to economic climate.

2. CRAY VALLEY EAST WARD	(11/00426/FULL1) Demolition of existing garages and construction of a terrace of 4 two storey, 2 bedroom dwellings with associated parking on land adjacent to Invicta Works at Invicta Works, Chalk Pit Avenue, Orpington.
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At a Plans Sub-Committee meeting held on 31 March 2011, the above application was deferred to be considered at Development Control Committee

in conjunction with the previous application outlined above. A street scene elevational drawing had also been requested and had since been received.

Comments from Ward Members, Councillors McBride and Fortune, in support of the application had been received. Councillor McBride referred to the site's history of nuisance and commented that the site was often used as a dumping ground, causing problems for nearby residents. He considered that the proposed development would improve and secure the site.

Councillor Fortune fully endorsed Councillor McBride's statement.

Councillor Buttinger requested that a further condition be included to require the applicants to provide details of the type of surfacing material to be used for the hardstanding situated at the front of the houses.

The Chief Planner informed Members that several gardens would be less than 10 metres in depth due to access arrangements being gained via the rear of two properties and to the side of one property.

Councillor Fawthrop considered the off-street parking provision to be insufficient, particularly as the site was situated in an area with low public transport accessibility levels.

Councillor Fawthrop moved that the application be deferred to negotiate a reduction in the number of units in order to incorporate additional off-street parking facilities.

Councillor Mrs Manning noted that landscaping had not been mentioned within the report and requested that the provision of landscaping be negotiated with the applicant.

Councillor Jackson seconded the motion for deferral.

Members having considered the report and objections, **RESOLVED that the application be DEFERRED** without prejudice to any future consideration to address issues concerning off-street parking, landscaping and density and for the application to be submitted to a future meeting of either Plans Sub-Committee 2 or 4.

101 CORE STRATEGY - FURTHER EIGHT AREA PEN PORTRAITS

In January 2011, the Local Development Framework Advisory Panel (LDFAP) endorsed the approach taken on the development of a Core Strategy Issues Document. The LDFAP also requested that Development Control Committee consider the developing Bromley Borough area pen portraits and overall structure and approach of the document, which would be issued for consultation purposes in preparation for the development of Bromley's Core Strategy. The Core Strategy would form the principal policy within the suite of documents constituting the Local Development Framework (LDF).

On 8 March 2011, Members considered 13 of the 21 area pen portraits (Minute 88). A further three area pen portraits were e-mailed separately to Members but were not considered at that meeting.

Members were now asked to consider the final five area pen portraits together with the three previously circulated at the meeting held on 8 March. Members' views and suggested amendments are set out below.

Biggin Hill (page 45) - No comments/amendments received.

Bromley Town (page 49) - The words "to London" should be deleted from the first line of the second paragraph.

Councillor Mrs Manning would send comments/amendments direct to the contact officer.

It was noted that the use of an apostrophe in reference to 'GP's/doctor's [sic] surgeries' should be removed throughout the entire document.

Chelsfield, Green Street Green and Pratts Bottom (page 55) - With reference to Green Belt land, Ward Member Councillor Jackson commented that it would be helpful to allude to Glentrammon Recreation Ground and 'The Green' at Green Street Green.

Under the heading 'Key Issues and Main Opportunities', it should be reported that Green Street Green was in close proximity to Orpington Town Centre.

The importance of the viability of village life should be emphasised.

With regard to demography and community, Councillor Jackson disputed that the majority of housing consisted of family homes; there was no shortage of smaller accommodation for elderly residents and single people.

The impact on commuting and parking in and around the area should be noted.

It was agreed that the land at Fort Halstead (referred to in paragraph 5, page 61) should be alluded to but would not be referred to as a point of consultation.

Darwin and Green Belt Settlements (page 59) - Councillor Mrs Manning would send comments/amendments direct to the contact officer.

It was noted that Wickham Court (referred to in paragraph 2, page 59) and the former All Saints (John Rigby) Secondary School (referred to in paragraph 1, page 61) were both situated within Coney Hall, not in Darwin.

Eastern Green Belt (page 64) - Councillor Ince emphasised the need for strong legal action to be pursued against anyone who destroyed woodlands within the area.

It was also noted that certain parts of the area were populated by the Traveller community.

Orpington, Ramsden and Goddington (page 68) - Ward Member Councillor Huntington-Thresher requested that the title of the area pen portrait be changed to read:- "Orpington, Goddington and Knoll" as Ramsden Estate was slowly becoming non-existent and could no longer be deemed as an entity in its own right.

The reference to "playing fields" on page 68 should incorporate Grassmeade Recreation Ground and the protected area between Burwood School and Blenheim Primary School.

Under 'Demography & Community', the report stated that income in the area tended to be lower than the Borough average, whereas in the following paragraph under 'Business and Employment' it stated that the area had an average household income that was close to that of the Borough average. Councillor Huntington-Thresher requested that the inconsistency of the two statements be addressed. In addition, Councillor Huntington-Thresher suggested that rather than reporting averages, a truer reflection of areas could be gained by reporting the dichotomy of areas.

Ward Member Councillor Buttinger supported Councillor Huntington-Thresher's comments. Councillor Buttinger commented that two conservation areas had been omitted from the area pen portrait and emphasised the importance of protecting conservation areas and maintaining the openness of the land.

The impact on residents regarding parking issues around commuting and the town centre should be addressed.

Shops should be encouraged to provide services required by residents.

Petts Wood and Poverest (page 73) - Ward Member Councillor Auld, observed that the area of Poverest had not been referred to throughout the report, even though it formed part of the pen portrait title.

Councillor Auld reported the following:-

- The difference between ward boundaries and constituency boundaries was somewhat confusing.
- In garden suburbs there should be a presumption against back garden development.

- The reference to River Ravensbourne flowing through the area (page 73, final paragraph) was inaccurate. The sentence should be amended to read "The Kyd Brook flows through the area and although it is mostly culverted, there is some flood risk."
- Willett Recreation Ground should be highlighted, together with the sports facilities available ie. tennis and cricket.
- Under the heading 'Business and Employment', there are two areas of business, namely Station Square and Queensway. The number of eating establishments, both eat-in and take-away, should be reported.
- Facts pertaining to rail travel should be updated.
- Issues around commuter parking should be addressed.
- It was the desire of Petts Wood residents and all three Ward Members that the issue of side space be strictly monitored to ensure it is kept to a minimum of 1 metre generally, with a wider side space achieved, where appropriate, in conservation areas and areas of special residential character.
- The number of licensed premises should be limited to the number of existing premises.

Councillor Fawthrop suggested that the title of the area pen portrait should be changed to "Petts Wood and Surrounds".

Councillor Bosshard reported that there were three supermarkets and more than three GP surgeries in the area.

Referring to the final paragraph on page 74, Councillor Evans reported that there were six other schools and questioned the need to highlight that extra provision could be made available at Southborough School.

Paragraph 5 on page 74 stated that the Turpington Estate was situated on the western boundary. Turpington Estate is, in fact, situated squarely within Bromley Common.

The Coppice Estate should be highlighted as a working class area built during the inter war period and located on the western boundary.

Ravensbourne, Plaistow and Sundridge (page 77) - Ward Member Councillor Harmer commented that Plaistow and Sundridge consisted mainly of Edwardian and Victorian buildings. There was a mix of large and small family accommodation within the area, and that if the decision was taken to demolish the buildings and replace them with flats, it would change the area considerably.

The existence of a golf course should be highlighted. Large developments of housing on the golf course would cause significant traffic issues.

There were transport problems at Bromley North. In particular, taxi drivers were being pushed into residential roads.

It was noted that Holy Trinity School had stood vacant since 2005.

Several facilities including a library, a school and the Downham Boys Club were shared with the Borough of Lewisham.

Councillor Adams agreed with Councillor Huntington-Thresher's suggestion that the dichotomy of areas should be reported rather than the Bromley average.

As a final comment, Councillor Adams also referred to the section titled 'Social Infrastructure' on page 79. The final sentence did not make sense and should be amended to read: "During recent years, residential development has replaced two community hall sites and a scout hut in the area of Shaftesbury Park on the Downham Estate."

RESOLVED that the comments and suggested amendments referred to above be noted.

102 BROMLEY TOWN CENTRE CONSERVATION AREA STATEMENT - RESPONSE TO CONSULTATION

At a Development Control Committee meeting held on 31 August 2010, Members authorised the commencement of a public consultation period for the draft Bromley Town Centre Conservation Area Statement which, when finalised, would form part of the Local Development Framework.

As a result of the completed consultation, Members were asked to note the responses (attached at Appendix 1 of the submitted report) and to agree that the Statement be used as guidance for development control purposes when considering applications for development within the area.

Mr Peter Martin, Head of Strategy and Renewal, reported that correspondence had been received from the Historic Buildings and Areas Adviser who was disappointed to note the continued omission of identifying buildings within the conservation area that the Council considered made a positive contribution to the character and appearance of the conservation area. It was reported that English Heritage advocated this approach in its guidance.

Correspondence had also been received from the Chair of the Bromley Civic Society who was unclear as to whether it was intended that the document would be submitted for a second round of consultation as neither he nor

English Heritage had been notified of the revisions or received a copy for comment. He declared that the document in its present state was incomplete.

Two plans were circulated to Members which referred to character areas and which stated key views which had not been seen before. It was reasonable to allow sufficient time for consultation to be undertaken on these further issues. Mr Martin suggested that the responses be reported to the next Development Control meeting to be held in June.

It was reported that although a sufficient level of consultation had been undertaken, the correspondence received had raised some valid points. A thorough appraisal of the local list should be undertaken and the list should be extended where appropriate. Consultations would be carried out with the owners of identified buildings.

Councillor Mrs Manning commented that as the Area Action Plan had been approved, the appraisal should have been included. It was imperative to produce an excellent appraisal and therefore as much information as possible should be incorporated. The onus would be on developers to look into the history of conservation areas.

It was noted that whilst the paragraph under the title 'Locally Listed Buildings' on page 99 made reference to locally listed buildings making a positive contribution within the Bromley Town Centre Conservation area, the words 'positive contribution' were omitted from the previous page (page 98) under the title 'Listed Buildings in Bromley Town Centre Conservation Area'.

As part of the introduction to the appraisal, it would be helpful to give details of conservation areas, together with an explanation of what constitutes a conservation area. It should be highlighted that locally listed buildings are the prime structures which make a positive contribution. It should be noted that town centres and open spaces also make a valuable contribution.

Councillor Mrs Manning praised the Bromley Civic Society for the hard work and valuable service it provided and proposed that the item be deferred for further consultation.

Councillor Fawthrop desired to know why the shops in front of The Glades were considered to be in the conservation area. Mr Martin responded that certain shops were surrounded by elements of the conservation area ie. Churchill Gardens and should therefore be included.

Councillor Bosshard emphasised the need for shop fronts to blend in with the character and style of the area.

The Chairman seconded the motion for deferral.

RESOLVED that the item be DEFERRED pending consultation with those who made representations on the Character Areas map and the Key

Views map that are to be inserted into the document, and for a review of the local list of buildings within the Town Centre Conservation Area to be carried out.

103 GOOD PRACTICE GUIDE FOR LOCAL LISTING DRAFT FOR CONSULTATION

The report outlined the functions of the existing London Borough of Bromley Local List adopted in 1975 and informed Members of a draft consultation document issued by English Heritage titled "Good Practice Guide for Local Listing: Identifying and Managing Significant Local Heritage Assets".

Members were requested to note the report, agree the Council's responses to questions (attached as an Appendix to the report) and agree the proposed changes to the selection criteria within the Council's local listed Supplementary Planning Guidance.

It was noted that the responses to the consultation questions were to be submitted to English Heritage by 13 May 2011.

Councillor Fawthrop moved in favour of the recommendation and Councillor Mrs Manning seconded the motion.

It was suggested (and Members agreed) that the response to question 7 should be strengthened to reflect Members' views that local listing was an important recognition of the value of heritage assets.

Councillor Jackson was frustrated by the lack of statutory back-up as there was nothing to stop locally listed buildings from being demolished. It was suggested and agreed that a letter be written to the Local Government Minister highlighting the need for statutory back-up. A copy of the letter would be circulated to Members.

RESOLVED that:

- 1) the consultation document be noted;**
- 2) subject to the amendment to the response at question 7, the questions attached in the appendix to the report be agreed;**
- 3) the proposed change to the selection criteria within the Council's local list Supplementary Planning Guidance be agreed; and**
- 4) the Chief Planner write to the Local Government Minister highlighting the need for statutory back-up and a copy of the letter to be circulated to Members.**

104 LB BROMLEY FIVE YEAR SUPPLY OF HOUSING

In accordance with Planning Policy Statement 3 (June 2010), the Local Planning Authority had identified the Council's five year housing supply

position for the period 1 April 2010-31 March 2016 (as set out in Appendix 1 to the report). Members were asked to agree the five year supply position.

The Head of Strategy and Renewal stated that the sole purpose of the document was to support the Local Authority's case at appeals.

With reference to page 149, paragraph 4, Councillor Ince stated that windfall sites should not be relied upon as these sites would diminish over time.

Councillor Jackson was disappointed to note that the demand for housing had not been highlighted.

Councillor Boughey reported that building work had commenced at the Ravensbourne College of Design and Communication site. Therefore the entry for this site should be placed in the correct category on page 152.

Councillor Mellor was concerned with the issue of density and emphasised the importance of protecting Green Belt land, as the Local Authority had no powers to enforce development once permission had been given. Councillor Mellor stated that poor architectural areas should be regenerated to lessen housing density across the entire borough.

RESOLVED that the five year supply position set out in Appendix 1 of the report be agreed.

105 ENFORCEMENT MONITORING REPORT (JANUARY-MARCH 2011)

Members considered a report which provided an update on planning enforcement for the first quarter of 2011. The report also provided an overview of enforcement activity and highlighted a number of cases which had been successfully concluded.

Councillor Fookes asked what rules were in place to deal with planning applications submitted whilst enforcement action was being pursued. The Chief Planner responded that this was the subject of a document that had been issued for consultation. Members were informed that a retrospective application could not be submitted if enforcement action had or was being pursued.

It was noted that the informal hearing for Archies Stables (case No. 7 on page 158) would take place on 15 May 2010, not 17 May 2010 as reported.

RESOLVED that the report be noted.

**106 PLANNING APPEALS MONITORING REPORT
(JANUARY-MARCH 2011)**

Members considered a report which provided an update on planning appeals statistics for the first quarter of 2011, including a breakdown by category of appeal in comparison to the figures for 2010.

As requested at a previous Development Control Committee meeting held on 13 January 2011 (Minute 72), the report also incorporated statistical information on applications which had proceeded to appeal in cases where Members had voted against officer recommendations.

The Chairman was pleased to note that 70% of planning appeals had been dismissed and commented that the report was very encouraging.

RESOLVED that the report be noted.

**107 UPDATE: PLANNING LEAFLETS AND INFORMATION FOR
THE PUBLIC**

At a Development Control Committee meeting held on 13 January 2011, Members agreed a 9-month strategy to review and replace current planning leaflets and fact sheets (Minute 70).

As a follow-up to the above, Members considered an updating report on the progress achieved so far.

The Chairman was pleased to note that the process of reviewing and replacing leaflets and fact sheets was progressing well.

An example of the general format to be used was circulated to Members.

Referring to the paragraph on page 2 of the leaflet entitled 'Repairs', Councillor Mrs Manning commented that the first word of the second sentence ie. "However" should be replaced with the word 'Therefore'.

The Chief Planner reminded Members that the leaflets and fact sheets would primarily be accessed via the Council's website in order to minimise printing costs.

RESOLVED that the report be noted.

**108 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE
LOCAL GOVERNMENT (ACCESS TO INFORMATION)
(VARIATION) ORDER 2006, AND THE FREEDOM OF
INFORMATION ACT 2000**

RESOLVED that the Press and public be excluded during consideration of the item of business referred to in the following Minute as it was likely

in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

109 EXEMPT MINUTES OF THE MEETING HELD ON 8 MARCH 2011

The Chief Planner reported that no further information was available at the present time. Negotiations were continuing and the results of those negotiations would be reported back to Members at a future date.

RESOLVED that the exempt Minutes of the meeting held on 8 March 2011 be confirmed and signed as a true record.

The meeting ended at 9.21 pm.

Chairman

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Supplementary Information

On a personal note, the Chairman announced the retirement of Mr Peter Martin. Mr Martin joined the Local Authority in 1971, and after holding various posts within the Planning Department had attained the position as Head of Strategy and Renewal. The Chairman thanked Mr Martin for the invaluable contribution he had given to the Local Authority throughout his very successful career.

Members and officers joined the Chairman in wishing Mr Martin a long and happy retirement.

As this was the last meeting of the Municipal Year, the Chairman also thanked Members and officers for their support during the last 12 months.