

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held at 7.30 pm on 12 January 2012

### **Present:**

Councillor Peter Dean (Chairman)  
Councillor Charles Joel (Vice-Chairman)  
Councillors Douglas Auld, Eric Bosshard, Katy Boughey,  
Lydia Buttinger, John Canvin, Simon Fawthrop, John Getgood,  
Will Harmer, Mrs Anne Manning, Russell Mellor, Alexa Michael,  
Richard Scoates and Pauline Tunnicliffe

### **Also Present:**

Councillors Jefferys, Paul Lynch, Michael Tickner and  
Stephen Wells

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

Apologies for absence were received from Councillors Peter Fookes and Kate Lymer; Councillors John Getgood and William Harmer attended as their alternates respectively. Apologies for absence were also received from Councillors John Ince and Russell Jackson.

#### **40 DECLARATIONS OF INTEREST**

Councillors Mrs Anne Manning, Peter Dean, Katy Boughey, Russell Mellor and Richard Scoates all declared an interest in Item 5 as they had accepted hospitality from Kent County Cricket Club (KCCC). Councillor Mrs Manning also declared that her husband was a non-voting member of KCCC.

#### **41 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 17 NOVEMBER 2011**

The sixth paragraph on page 33 of the Minutes was amended to read:-

'Councillor Fawthrop requested that the Petts Wood area of special residential character be designated as saturated in terms of new housing.'

**Subject to the above amendment, Members RESOLVED that the Minutes of the meeting held on 17 November 2011 be confirmed and signed as a true record.**

## 42 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

The following questions were submitted in writing by Mr Peter Whiteland in relation to Item 5 of the agenda - planning application for Kent County Cricket Club:-

- “1. *Would a dangerous precedent not be set for further development on Metropolitan Open Land in the Borough if planning permission is granted to this application on the grounds of tenuous "very special circumstances", given that the planning report identifies three fundamental areas in which the application doesn't meet planning legislation?*
2. *Please could Members explore how a figure of 26.5% has been noted as the land used for the proposed application? From page 39 of the Supplementary Design and Access Statement the total site area is 104,293sqm of which 32,486sqm is being used for the proposed cricket ground development and 20,443sqm for the proposed residential development – this gives a land usage (and therefore loss to sporting use) figure of 50.7%.*
3. *Please could Members question how only 4 football pitches will be lost if the planning application is accepted? 2 pitches have already been lost on the land described as “unused” and 4 pitches are currently in use on site – a total of 6 pitches.”*

In response, the Chairman stated that all three questions related to material planning considerations which the Committee would have regard to before determining the application.

Mr Whiteland did not attend the meeting and would, therefore, receive a written response.

## 43 PLANNING REPORTS

The Committee considered the Chief Planner's report on the following planning application:-

Ward	Description of Application
Copers Cope	(11/02140/OUT) 3 detached buildings for use as indoor cricket training centre/multi-function sports/leisure facility, health and fitness centre and conference centre. Spectator stand for 2000-3000 people. Car parking. All weather/floodlit pitches. 48 detached houses OUTLINE at <b>Kent County Cricket Ground, Worsley Bridge Road, Beckenham.</b>

This application was previously considered at a Development Control Committee meeting held on 17 November 2011 when Members deferred the application in order to give further consideration to submitted documents including a financial viability assessment.

Oral representations in objection to the application were received from Mr Ron Condon, a local resident.

Mr Condon commented that the development breached the Council's rules with regard to Metropolitan Open Land and that the case for special circumstances had not been proven. If permitted, the development would create a dangerous precedent for developers to build on all protected land.

Mr Condon objected to what he considered were scaremongering tactics employed by the applicants to dissuade the public from objecting to the development.

The unused land referred to in the report had been the site of two football pitches until May 2011. Combined with the removal of a further four playing areas, this equated to a total sporting land loss of six football pitches.

Mr Condon was concerned that KCCC would continue to operate at a loss as it would not be able to compete with the St Lawrence ground in Canterbury. As a result, when the KCCC lease expired, Leander could submit a further application to develop yet more land.

Mr Condon completed his representations by saying that the erection of large houses at the end of his and his neighbours' garden would have a direct impact on the value of their properties.

Oral representations in support of the application were received from Mr Peter Wilson of Leander Holdings Ltd. Mr Jamie Clifford, Chief Executive of Kent County Cricket Club (KCCC) also attended to answer questions from Members.

Mr Wilson informed Members that KCCC had operated at the ground for the past 11 years at considerable expense. The Business Plan drawn up included confidential figures in respect of capital values, building costs and cash flows which were agreed by auditors employed by the London Borough of Bromley (LBB). The value of the residential land provided about two thirds of the costs of the sporting and leisure facilities; Leander would therefore be investing a substantial sum of money into the scheme.

There had never been a problem with car parking - even on match days; a good public transport system existed within the area.

To account for any loss of sporting land, a financial contribution would be paid towards sports in and around the Borough which would be paid directly to LBB.

Mr Wilson stipulated that there were currently four areas that could be used for football, one located within the cricket outfield and another to be incorporated into the much larger all weather pitch (AWP). In effect therefore, only two pitches would actually be lost. Members were informed that the Football Association count an AWP as one and half grass pitches, so Mr Wilson maintained that only one and half grass pitches would be displaced. The majority of this land would be replaced with improved sporting facilities.

The scheme would create employment and business opportunities within the Borough.

Mr Wilson confirmed that the land use figure of 26.5% (of which 10% would be residential), related to the footprint of the buildings in comparison with the site area.

Councillor Boughey asked how much money Leander would be contributing in total. Mr Wilson replied that Leander would be contributing the deficit between the value of the residential site and the overall cost.

Members were informed that KCCC expected to be successful over the next 20 years.

Mr Clifford stated that KCCC had not approached a bank for funding because there was a major difference between borrowing and investment - investment did not have to be paid back which made it the more viable option.

In response to a question from Councillor Joel, Members were informed that the development would be built in one phase.

Mr Clifford was not able to confirm how many county games KCCC would be committed to. From 2013 there was to be a significant reduction in the number of matches played however, the Club would be pushing back hard against these proposals and would be intent on increasing the number of matches played at Beckenham over the next 20 years.

Councillor Getgood questioned the lack of affordable housing to which Mr Wilson replied that such provision would lead to larger residential use of the land at a greater cost and would result in a loss of leisure space.

Councillor Michael had visited the site and was concerned that the proposed residential development would have an impact on the properties in Ashfield Close resulting in overlooking and loss of privacy. Mr Wilson reported that discussions had taken place with occupiers in Ashfield Close and as a result, Leander had dedicated 2m of land to those affected by the development to enable garden walls to be rebuilt. Mr Wilson emphasised that residents' views had been taken on board throughout discussions and changes to the scheme had been carried out where practicable.

Oral representations in objection to the application were received from Ward Member Councillor Michael Tickner. Councillor Tickner commented that this was an important and controversial application and he urged Members to keep an open mind during consideration.

Councillor Tickner had visited one of the properties in Ashfield Close. The occupants had informed Councillor Tickner that they bought the property on the premise that MOL land would be protected. Approval of the application would result in a terrible loss of amenity to local residents and Councillor Tickner was concerned that Leander and KCCC may submit further applications in the future.

The scheme did not include affordable housing, no plans to provide alternative playing areas and KCCC could not make a commitment to play county matches. Councillor Tickner considered that the cost of running the organisation would be subsidised by LBB. As there were not strong enough special circumstances to permit the application and commercial viability was not a direct planning issue, Councillor Tickner urged Members to reject the scheme.

Oral representations were received from Ward Member Councillor Stephen Wells who declared he had attended matches at KCCC but had always paid for tickets.

Councillor Wells stated that Members should have regard for the specific policy designed to defend development of Metropolitan Open Land (MOL) and the Green Belt (GB); however, he suggested that this proposal was a special case which was not about employment opportunities or the level of trade but about the KCCC ground and the involvement of the club within Beckenham.

Councillor Wells referred to previous applications within the Copers Cope and Worsley Bridge areas which, on appeal, had been overturned by the Planning Inspectorate, resulting in a loss of control to the Council. He was concerned that the same could happen with this application.

The S.106 Agreement was quite detailed and involved design aspects. Any changes sought would mean the applicants submitting new designs and a new S.106 Agreement would need to be put in place. If flats were to be built as suggested, this would require a totally new application.

Councillor Wells commented that whilst the principal of defending MOL was desirable and laudable, if Members refused the application, it was possible that the entire site could be given over to residential use in the future. However, if the scheme were to be approved, the MOL could be protected over the next 20 years. Councillor Wells urged Members to look at the classic '80/20 split' and take a pragmatic view.

The Chief Planner informed Members that the report was complete. Further comments had been received from supporters and objectors. Referring to paragraph 3 on page 28 of the previous Minutes (12 January 2012), it was

reported that the first line should read: 'The Chief Planner informed Members that a *further* 28 letters of support had been received (mainly from residents of the Gallery and Pavilion flats).' It was reported that late comments had been received, some of which reiterated those already summarised in the reports. New objections raised concerns regarding the inadequacy of the proposed leisure facilities. In summary, the main objections included:-

1. the amount of land used in the application;
2. the loss of playing fields
3. KCCC's use of the grounds
4. profit from sale;
5. the economic situation; and
6. whether there were alternative places available in London.

The Chief Planner reported that there were no more than six alternative sites within the M25.

With regard to parking concerns, the Chief Planner reported that the parking level proposed was acceptable to all highways agencies.

The main areas of support centred around:-

1. the loss of playing fields would, after redevelopment, result in an overall increase in benefit to the club;
2. if the application were to be refused, there would not be another opportunity to safeguard the land;
3. plans for building flats should not be of concern; and
4. it was a struggle to keep viable sites open so it was creditable that KCCC had maintained the site for the last 10 years.

Councillor Mellor commented that inappropriate use of the land had already been established by the erection of the Pavilion in 2002 and therefore the current application could not be deemed inappropriate use. Intense interest had been shown by residents with a ratio of 2:1 in favour of the application. If the application was approved, community use of the site would increase and there would be an estimated £4.6m boost to the local economy and £7.3m to the regional economy, which deemed the application worthy of consideration. Councillor Mellor emphasised the need for adequate parking facilities to be supplied. Referring to the refusal of previous applications in Copers Cope Ward to build on MOL land which had then been overturned by the Planning Inspectorate resulting in loss of control to LBB, Councillor Mellor moved that the application be approved subject to the conditions set out in the report.

Councillor Dean reiterated the comments he made at the previous meeting stating that KCCC operated the third best cricket ground in London; it was a beautiful and special ground which justified consideration along the lines of very special circumstances. He disagreed with the suggestion that permission of the application would set a precedent because no other sports ground could 'hold a candle' to this site. KCCC had maintained financial sustainability over the past 10 years and showed a commitment to play more games; it was,

therefore, grossly unfair to question the club's integrity by suggesting it may not exist in 20 years time.

Councillor Dean regretted that finance was not available for the provision of affordable housing however, he was concerned about what would happen to the site if the application was refused.

Councillor Dean seconded the motion for approval.

Councillor Auld commented that whilst several aspects of the scheme may meet the criteria for very special circumstances, there were several which did not and it appeared that Members were being asked to set aside a number of policies which were important parts of the UDP, in favour of the developer. Councillor Auld urged Members not to ignore the fact that the site was MOL and that residents had purchased their properties on the understanding that the land would be protected.

Councillor Auld had visited the site and believed the development would result in a loss of amenity to local residents and that if permission were to be granted, it would set a precedent for other MOL to be developed upon. Councillor Auld moved that the application be refused.

Councillor Bosshard seconded the motion for refusal stating that as KCCC was losing money, the Council was being asked to help them out and he was concerned that the same might happen again in the future. Councillor Bosshard commented that the report had not contained a convincing business plan.

Councillor Fawthrop believed the scheme was not financially viable and stated that very special circumstances were too frequently sought and permitted; he urged Members to stick to the principals of protecting MOL. Although KCCC appeared to be committed, Councillor Fawthrop supported refusal and maintained that Members should do what was best for the site.

Councillor Buttinger commented that the loss of half of the open space was unacceptable and consideration should be given to the loss of amenity to residents and to the provision of sporting facilities for children in the borough. Councillor Buttinger agreed there were no special circumstances to build housing on MOL.

Councillor Scoates thought it fundamentally important to support the stringent policies that were in place to protect MOL and that policies should not be relaxed to permit residential development. He added that if exceptions were permitted it would sow the seeds for the land's demise.

Councillor Michael was concerned that too much of the proposed development was for indoor use. Members needed to focus on the negative effects in terms of overlooking, loss of amenity and the loss of playing fields on the site. Councillor Michael supported refusal on the grounds that the development covered too much land.

Councillor Joel believed there would be adequate space and daylight around the three new individual buildings. He supported the application and added that the development would go some way towards making Bromley a better place to live.

Councillor Getgood commented that facilities for communities should be maintained and improved where possible; he added that the proposed scheme struck a balance in this respect as other cricket clubs would also benefit.

Whilst being a great supporter of MOL and GB land, Councillor Mrs Manning was conscious of the need to take on board the requirements of the borough - sport being one of them. The site was special because it was one of three county cricket grounds used by Kent County Cricket. KCCC was involved with almost all secondary schools in the Borough and with other cricket clubs. The ground attracted people from areas leading into London. Having met with Mr Condon (the speaker in objection to the application) it appeared to Councillor Mrs Manning that the new houses would be fairly exposed however, as this was an outline application she suggested that the plans could be amended to avoid overlooking and to comply with local requirements. Councillor Mrs Manning stated that although the proposal appeared to be inappropriate, the scheme would be of benefit to the borough.

Councillor Canvin stated that the provision of housing would cover the cost of the remaining facilities and that Members should look to the future of the Borough.

Councillor Boughey noted that as many local residents were in favour of the proposal as against it. Any club was run as a commercial enterprise and professional sports clubs were unique. Councillor Boughey would be disappointed to see KCCC leave the site and believed that very special circumstances had been proven.

Following a vote in favour of permission (9-6), Members **RESOLVED** that **PERMISSION BE GRANTED subject to Direction from the Mayor and to evidence being supplied to the Council of an agreement for a lease or of a lease to KCCC for a period of not less than 20 years at a nominal rent that confers rights and benefits to enable KCCC to operate the KCCC facilities and provide for construction of the KCCC elements and their operation.**

**Permission was also subject to a Section 106 Agreement and to the conditions and informatives set out in the report of the Chief Planner.**

#### **44 DRAFT ANNUAL MONITORING REPORT: 2010/11**

As required by The Planning and Compulsory Purchase Act 2004, a draft Annual Monitoring Report for 2010/11 had been submitted to the Secretary of State through the Department of Communities and Local Government (DCLG). Members were requested to endorse the report which had been submitted before the end of December 2011.



Councillor Mrs Manning questioned why existing employment land was being lost on appeal, causing some concern amongst Members. Councillor Mrs Manning suggested that reference to this should be highlighted in the report.

Referring to the graph at the top of page 56 of the report, Councillor Fawthrop suggested that the Director of Renewal and Recreation be requested in writing, to comment on what appeared to be a reduction of 50% in footfall for Orpington Town Centre after £2m had been spent on improving the number of visitors.

The Head of Planning Strategy and Projects informed Members that from 2012, there would be greater flexibility in the indicators that the Council use. She understood that recent Orpington figures had increased and advised Members that the report mentioned that recent footfall figures had been affected by adverse weather conditions.

With regard to the loss of employment land, Councillor Joel was happy to see empty office blocks converted into affordable housing.

As a member of the Town Centre Steering Committee, Councillor Buttinger considered the reported footfall numbers to be deceptive as shops in town centres were seeing increased trade. She suggested that if figures were to be calculated over a longer period time, Members would see a truer picture of footfall. Councillor Tunicliffe agreed with Councillor Buttinger, commenting that consideration should be given to how data is collected.

Councillor Canvin was disappointed to note the number of shops which remained empty, especially in Beckenham. He questioned the reason for this considering Croydon Town Centre was doing exceedingly well.

Referring to page 64, paragraph 8.3 of the report, Councillor Michael asked if the quoted figure of 59.7% related to the proportion of land which had been developed or to the land that remained undeveloped. The Head of Planning Strategy and Projects responded that those indicators were unavailable but in 2013 there would be greater flexibility to enable such indicators to be reported.

**RESOLVED that the Annual Monitoring Report 2010/11 be agreed and that the Chief Planner confirm the decision of the Development Control Committee to the Secretary of State.**

#### **45 DRAFT LONDON'S DOWNLANDS GREEN GRID FRAMEWORK**

Members were requested to endorse the draft London Downlands Framework which covered the London Boroughs of Bromley, Croydon and Sutton. The Framework was part of the Mayor of London's All London Green Grid for which he was consulting on Supplementary Planning Guidance. The Mayor had invited comments on the All London Green Grid and the Geodiversity

SPGs before 27 January 2012 and comments on the London World Heritage by 20 January 2012.

Councillor Scoates was pleased to note that the Mayor of London was consulting on this and that he had invited comments. Referring to paragraph 3.4, 8<sup>th</sup> bullet point on page 87 of the report, Councillor Scoates questioned what powers the Mayor had to implement the enhancement and protection of the Green Belt and Metropolitan Open Land. The Chief Planner informed Members that the Mayor's powers were set out in the London Plan.

When asked how the Mayor would pay for the initiatives, the Chief Planner commented that the initiatives set out in paragraph 3.4 would be promoted through the planning process.

**RESOLVED that the London's Downlands Framework be endorsed and forwarded to the Environment PDS for joint endorsement and delivery.**

#### **46 CHANGES TO PPS3 AND SUPPLEMENTARY PLANNING DOCUMENTS**

Members were advised that the Government had made changes to Planning Policy Statement 3 Housing (June 2011) which updated the definition of affordable housing to include affordable rented housing. An addendum to the Council's adopted Supplementary Planning Documents on Affordable Housing and Planning Obligations had been produced to update the definition of affordable housing and formed Appendix 1 to the report.

Members also considered the Early Minor Alterations to the London Plan in relation to housing.

**RESOLVED that:-**

- 1. the addendum to the Council's Adopted SPDs on Affordable Housing (2008) and Planning Obligations (2010) updating the definition of affordable housing for the Borough to include affordable rent be agreed;**
- 2. the implications for UDP Policy H2 and the potential changes to the housing section of the London Plan through the Early Minor Alterations be noted; and**
- 3. the response to the Draft Supplementary Planning Guidance Note on Affordable Housing (GLA, November 2011) be noted and that the formal response agreed by the Chief Planner in consultation with the Committee Chairman for submission by 3 February 2012 be agreed.**

The Meeting ended at 9.50 pm

Chairman