

## DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 6 March 2012

### Present:

Councillor Peter Dean (Chairman)  
Councillor Charles Joel (Vice-Chairman)  
Councillors Douglas Auld, Kathy Bance, Eric Bosshard,  
Katy Boughey, Lydia Buttinger, John Canvin, Will Harmer,  
John Ince, Russell Jackson, Mrs Anne Manning, Russell Mellor,  
Alexa Michael and Pauline Tunnicliffe

### Also Present:

Councillors Julian Benington, David Hastings, David Jefferys,  
Peter Morgan, Ian F. Payne and Sarah Phillips

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

Apologies for absence were received from Councillors Kate Lymer and Peter Fookes; Councillors William Harmer and Kathy Bance attended as their substitutes respectively.

#### **58 DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **59 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 14 FEBRUARY 2012**

Minute 51, Planning Application - Queens Gardens, Kentish Way

Page 51, 6<sup>th</sup> paragraph amended to read:-

'Councillor Mellor said he could find no inappropriate established precedent relating to or in support of the application. He was concerned with the lack of space. The Italian Garden contained beautiful flowerbeds and was vital to the centre of Bromley. The development would result in an intensification of retail use.'

Subject to the above amendment, Members **RESOLVED** that the **Minutes of the meeting held on 14 February 2012 be confirmed and signed as a true record.**

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

No questions were received.

## 61 PLANNING REPORTS

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

Item No.	Ward	Description of Application
5	Bromley Town	Demolition of existing buildings and redevelopment with mixed use scheme comprising multi-screen cinema, 200 flats, 130 bedroom hotel, Class A3 units (restaurant and cafe) (including 1 unit for flexible class A1 (retail shop) Class A3 (restaurant and cafe) or Class A4 (drinking establishment) use), basement car parking, associated access arrangements (including bus parking), public realm works and ancillary development at <b>Multistorey Car Park, Simpsons Road, Shortlands, Bromley.</b> "

Oral representations in objection to the application were received from local resident, Ms Fiona Howarth. Whilst Ms Howarth was pleased to learn that the car park was to be replaced, the proposal to erect a structure four times the height of the car park was immeasurably worse. The bulk of the structure would fill Ms Howarth's outlook and would impact on the amount of sunshine to her balcony. There would also be a considerable loss of 'ancient lights' and the lack of privacy would affect herself and her neighbours in Ravensbourne Road.

Ms Howarth commented that the development would be more acceptable if the height of the structure was the same as the existing car park.

Referring to objections in the report received from local residents, Ms Howarth urged Members to consider modification of the plans as they currently stood.

Oral representations in support of the application were received from Mr Mark Hoskins of NTR Planning on behalf of the applicant.

Mr Hoskins outlined the professional background of the applicant who had worked successfully with various local authorities in the past.

With regard to regeneration, Mr Hoskins emphasised the following points:-

- 1) The development marked a critical point in the Council's wider delivery of the Area Action Plan.
- 2) The development would serve as a significant catalyst for Town Centre regeneration.

- 3) Bromley Town Centre had lost ground in recent years to Croydon and Bluewater.
- 4) It was imperative to encourage appropriate investment into the town centre to redress the imbalance and retain leaking income and expenditure, in this case by providing complementary uses to the town centre's primary retail offer.

Mr Hoskins stated that the scheme would generate an estimated £220 million additional spend within the town centre in the first 10 years of post completion.

In general, the scheme promoted exemplary architectural design and was heavily influenced by the need to protect neighbouring residential amenity in terms of daylight and sunlight, particularly in relation to residential properties within Newbury, Aylesbury and Ravensbourne Road. The development would be acceptable in highways terms and the implementation of the Council's Parking Migration Strategy would make the highways position even more robust.

Mr Chris Evans, Manager of the Major Developments Team, reported that late objections had been received, some of which repeated issues already summarised in the report on pages 33-35.

A letter received from the Bromley Civic Society raised concerns with regard to the impact on residential amenity; the effect on the future of the Empire Cinema; and the application being submitted to Committee without incorporating full responses from consultees.

The letter included diagrammatic representations of the relationships with nearby properties.

Mr Evans stated that in the case of complex planning applications, consultees were often involved in discussion with applicants to clarify issues before consideration of the proposals and that had occurred in this instance. An update from consultees would follow shortly.

The Hayes Village Association had no objections in principle but raised the following concerns relating to:-

- 1) visual impact;
- 2) the pedestrian route from Westmoreland Road would only be used by local residents, particularly during rush hours as public transport users from nearby areas generally alighted from buses nearer to the station. As such, the space within the scheme would be underused; and
- 3) technical matters including structural issues, fire safety, means of escape from the cinema, flood risk mitigation and location of plant rooms.

Since these concerns were raised, the applicant's planning consultant had given explanations regarding the technical issues and the Association was satisfied that its queries had been answered.

The Green Party and Bromley Friends of the Earth had submitted identical concerns regarding:-

- 1) excessive height and bulk, impact on wider views and environmental impact on the surrounding residential areas;
- 2) unattractive design;
- 3) lack of linkages to the High Street;
- 4) adverse effect on Town Centre businesses including the Empire Cinema; and
- 5) no provision for community facilities.

Mr Evans reported that late letters of support had also been received from the following:-

- 1) a nearby business in the High Street which particularly supported the cinema element of the scheme and was impressed by it's design and the opportunities it would offer for Bromley;
- 2) a resident of Bromley Gardens who considered the plans to be exciting and striking and that the cinema would bring prosperity to Bromley; and
- 3) the Churchill Theatre which stated that the development would be a positive addition to the south of the town.

Mr Evans then reported the following updates from consultees:

- 1) (Report pages 31-33) - A letter received from DC Cabe had been circulated to Members. DC Cabe supported the concepts of the application design and offered suggestions concerning the public realm and connections, landscaping and the pattern and use of external materials. Mr Evans suggested that conditions in the recommendation regarding submission of details of external materials, windows and landscaping could address certain of the issues raised by DC Cabe and noted the support given to the applicant's design by the key design principles for the site in the AAP, the previous DC Cabe comments, TAP comments and the GLA officer's report. He also drew attention to the report's summary regarding design on page 53.
- 2) (Report page 35) - The Environment Agency had withdrawn its objections to the application as the technical issues previously raised had been overcome by reduction in the width of the building on the Westmoreland road frontage by 0.5m and submission of further technical material for the

Flood Risk Assessment. The Agency's letter asked that if the application was permitted, a further 7 conditions should be added (3 of the suggested conditions were already set out in the report).

- 3) (Report page 35) - Following further discussions with the applicants and subsequent to minor amendment of the scheme (mainly to the alignment of the service road) TfL had no objections to the application.
- 4) (Report pages 36-38) - The applicant's planning consultant had corresponded with the GLA officer concerning the Mayor's Stage 1 letter with the result that most concerns had been addressed. There was no provision for the Mayor's officers to consider the application further before referral by the Council following a decision at Committee, so no further comments from the officer had been received.

Members were asked to note the revised plans concerning the Environment Agency issues received on 6 March 2012.

If permitted, Mr Evans suggested the amendment of conditions 33, 35, 36, 39, 41 and 43. A further condition should also be added regarding the noise level from plant and equipment (as suggested by the Environmental Health Officer).

It was reported that the developer's Solicitor was currently dealing with the Section 106 Agreement (report page 50), which would secure benefits and obligations such as affordable housing, healthcare, education and Oyster Cards etc.

Councillor Harmer commented that the design of the proposed scheme fitted in with the scope of the Area Action Plan (AAP). In order to move forward, it was vital for shops to be maintained and for high quality entertainment to be provided. Councillor Harmer raised concerns with regard to inadequate parking for local residents and shoppers. He suggested that parking capacity should be expanded and made inference to the fact that Bluewater visitors could park easily and in some cases, free of charge. As a Bromley Town Ward Member, Councillor Harmer reported that he and the other two Ward Members would like to see the car park restored to its full capacity.

A further concern related to the impact the scheme would have on Bromley North, in particular the East Street area.

Community infrastructure was vital as there would be an influx of people to Bromley. It was essential to expand housing and improve on the transport system and its routes into central London.

As the application adhered to the AAP, Councillor Harmer would not be opposing the application.

The Chairman commended Cathedral (Bromley) Ltd (the applicant), for the work they had carried out including the efforts made to consider and alleviate the concerns of local residents and consultees. Although concerns had been

raised that the closure of Westmoreland Road Car Park would result in a lack of parking spaces in the area, the outcome of an assessment which had been undertaken had shown that sufficient parking would be available as the Council could provide up to 500 extra spaces if necessary.

The tall structure could become an icon in Bromley. The application had been approved by DC Cabe and The Architects Panel and the Chairman was impressed with how the development was situated and the way it blended in with its surroundings. He emphasised the need for developers and investors to be aware that the Authority was serious in regenerating Bromley.

The Chairman moved that the application be granted; Councillor Joel seconded the motion.

Councillor Ince concurred with the Chairman that the high structure could prove to be an iconic building however, it would be seen by many residents as over-dominant. Landscaping could be sufficient to alleviate some of the problems.

Referring to the provision of residential housing, Councillor Ince was disappointed to note that only 4 of the 200 proposed units was set aside for family accommodation and he considered that 42 units of affordable housing was insufficient. With regard to the Financial Viability Statement, Councillor Ince sought clarification on what the payment in lieu would be used for and suggested it be put towards providing affordable family homes elsewhere.

Although Councillor Bance was pleased to note the provision of affordable housing, she considered the development to be overbearing and therefore opposed the application.

In response to concerns from Councillor Buttinger about matters raised on pages 3 and 4 of DC Cabe's letter, Mr Evans suggested that the external materials condition could enable officers to discuss the cladding of the buildings with the architects and thought that amending the diagonal roof slope design might not be in the interests of the scheme.

With regard to the provision of affordable housing, Mr Evans stated that an independent appraisal of the applicant's Financial Viability Assessment had concluded that it was viable to provide either 22 or 35% affordable housing. As 22% was the proportion proposed, officers had negotiated with the developers to secure a clause in the Council's development agreement to the effect that any profit above a set 'reasonable profit' figure would be paid to the council to contribute to provision of additional affordable family housing, which would be off-site, in more suitable locations.

Councillor Michael considered the application to be important for the future of Bromley Town Centre. By sloping the tall structure, the developers had reduced a lot of bulk and massing. Although Councillor Michael agreed that the majority of the accommodation provided would be unsuitable for family

use, it would be suitable for older people or professionals. The scheme was a good start to the redevelopment of Bromley and Councillor Michael supported the application.

Councillor Mellor stated that the application before the Committee was complex and carefully detailed. The overall design concept was worthy of comment, revealing a Japanese architectural influence for the residential block. The proposal of planting trees in the lower plaza introduced a natural element in accordance with the London plan, Policy 7.5, noting that within the context of Public art of the Policy there was no winged sculpture to complement and enhance the significance of the Halo within the upper plaza level, which would further add to the visual impact of the area. Councillor Mellor suggested that landscaping should be provided along Simpsons Road to soften the visual effect of the rear wall facing the rear of the houses in Newbury Road. The lack of adequate parking spaces was a serious concern; the development conformed to the AAP and would be a vast improvement, which would enhance the area.

Whilst Councillor Boughey had doubts about the supply of parking spaces, she was certain that provision could be made available elsewhere commenting that developments within Bromley Town should be self-sufficient and that self-contained parking should be incorporated.

Councillor Mrs Manning referred to the very useful site visit which several Members attended. Whilst it was acknowledged that some residents would be affected by the development, upon walking around the area, it was clear that the developers and architects had taken everything into consideration including the impact on residents' houses and gardens. Although the buildings were visible from Newbury Road, they were further away and had been taken further back from the existing elevation of the car park. The development was of an exciting design and would benefit Bromley Town Centre. Councillor Mrs Manning's residents' association (the HVA) had raised some concerns with regard to the steps leading up to the restaurant area however, it was acknowledged that two lifts would also be located nearby. The cinema would be an added attraction to the town and would bring in customers who currently travel to Bluewater; with this in mind, Councillor Manning hoped that admittance fees to the cinema would be set at a reasonable level. Some improvement was needed to the type of material used to form the blocks of the hotel; the use of wood or brick around the focal point as people ascend the stairs would help to make the building blend in with its surroundings.

Following a vote of 13-1 in favour, **MEMBERS RESOLVED that PERMISSION BE GRANTED AS RECOMMENDED, SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT subject to referral to the Greater London Authority. Permission was also subject to the conditions and informatives set out in the report with the following amendments and additions:-**

**Condition 33 amended to read:-**

**'33 Details of electric charging points shall be submitted to and approved in writing by the Local Planning Authority and the charging points shall be installed in accordance with the approved details before any of the car parking spaces hereby permitted are first used and shall be permanently retained in working order thereafter.**

**Reason: In the interests of promoting more sustainable means of car travel.'**

**Condition 35 amended to read:-**

**'35 Before any works on site are commenced, an updated site-wide energy strategy assessment shall be submitted to and approved by the Local Planning Authority. The results of this strategy shall be incorporated into the final design of the buildings prior to first occupation. The strategy shall include measures to allow the development to achieve an agreed reduction in carbon dioxide emissions of at least 25% better than Building Regulations. This should include the reduction from on-site renewable energy generation as set out in the Sustainability Appraisal and Energy Strategy Report. The final designs including the energy generation, detailed layout and elevations shall be submitted to and approved in writing by the Authority and shall be retained thereafter in operational working order, and shall include details of schemes to provide noise insulation and silencing for the schemes, and filtration and purification to control odour, fumes and soot emissions of any equipment as appropriate.**

**Reason: In order to seek to achieve compliance with the Mayor of London's Energy Strategy and to comply with Policy 5.2 and 5.7 of the London Plan 2011.'**

**Condition 36 amended to read:-**

**'36 No part of the development hereby permitted shall be commenced until details of on and off-site works to realign, divert and improve the culverted river (including the diversion of services) shall be submitted to and approved by the Local Planning Authority in consultation with the Environment Agency. The works shall be implemented in full in accordance with the approved plans before any part of the building within 10 metres of the culverted watercourses is constructed.**

**Reason: In order to comply with Planning Policy Statement 25 and to retain operational access to the river culverts and to prevent an increased risk of flooding.'**

**Condition 39 amended to read:-**

**'39 Development should not be commenced until impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any**



**new additional capacity required in the system and a suitable connection point.**

**Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.'**

**Condition 41 amended to read:-**

**'41 The applicant shall at his own expense instruct a specialist access consultant, approved by the Council in writing, to liaise with the developer and/or his architect or engineer to approve details of accessibility, oversee the works and report to the Council throughout the period of the works in so far as the works may affect access issues on the site. Works shall not commence on site until a consultant has been appointed. After commencement of the project, all persons employed or engaged on the project shall immediately comply with any reasonable instruction, advice or request given or made by the specialist access consultant in respect of works in so far as they relate or affect accessibility within the development.**

**Reason: In order to comply with Policy T5 of the Unitary Development Plan and to ensure that all access issues associated with this challenging site can be adequately addressed.'**

**Condition 43 amended to read:-**

**'43 The development hereby permitted shall be carried out in accordance with the following approved plans:-**

- **11.13.01B Site Location Plan**
- **11.13.16B Proposed Floor Plan Level -5**
- **11.13.18B Proposed Floor Plan Level -4**
- **11.13.20D Proposed Floor Plan Level -3**
- **11.13.22D Proposed Floor Plan Level -2**
- **11.13.24D Proposed Floor Plan Level -1**
- **11.13.25C Proposed Floor Plan Level G**
- **11.13.26C Proposed Floor Plan Level 1**
- **11.13.27C Proposed Floor Plan Level 2**
- **11.13.28C Proposed Floor Plan Level 3**
- **11.13.29C Proposed Floor Plan Level 4**
- **11.13.30C Proposed Floor Plan Level 5**
- **11.13.31C Proposed Floor Plan Level 6**
- **11.13.32C Proposed Floor Plan Level 7**
- **11.13.33C Proposed Floor Plan Level 8**
- **11.13.34C Proposed Floor Plan Level 9**
- **11.13.35C Proposed Floor Plan Level 10**
- **11.13.36C Proposed Floor Plan Level 11**
- **11.13.37C Proposed Floor Plan Level 12**
- **11.13.38C Proposed Floor Plan Level 13**
- **11.13.39C Proposed Floor Plan Level 14**
- **11.13.40C Proposed Floor Plan Level 15**

- 11.13.41C Proposed Floor Plan Level 16
- 11.13.42C Proposed Floor Plan Level 17
- 11.13.43C Proposed Floor Plan Level 18
- 11.13.44C Proposed Floor Plan Level 19
- 11.13.52C Proposed Elevations
- 11.13.53C Proposed Elevations
- 11.13.54C Proposed Elevations
- 11.13.55B Proposed Elevations
- 11.13.56B Proposed Elevations
- 150 P01 Illustrative Masterplan Context
- 151 P01 Masterplan Context
- 152 P01 Illustrative Masterplan
- 153 P01 Landscape Masterplan
- 160 P01 External Stair and Lift GA
- 170 P01 Tree Removals Plan
- 171 P01 Green Roof Plan
- 255 P01 Landscape Section 55
- 1500 P01 Halo Outline Design
- 1501 P01 Halo Images
- 1502 P01 Planter Outline Design
- 1503 P01 Planter Images
- 1506 P01 RBS Link Outline Design.'

#### **Additional Conditions**

**44 At any time the noise level from any plant (including ventilation, extraction or air conditioning plant) in terms of dB(A) shall be 5 decibels below the relevant minimum background noise level (LA90 15mins) measured at the nearest noise-sensitive building. If the plant has a distinctive tonal or intermittent nature the predicted noise level of the plant shall be increased by a further 5dBA.**

**Reason: In order to comply with Policy S9 of the Unitary Development Plan and to ensure a satisfactory standard of amenity for adjacent properties.**

**45 A minimum separation of 4m shall be provided between the buildings hereby permitted and the River Ravensbourne and River Ravensbourne East Branch culverts.**

**Reason: In order to comply with Planning Policy Statement 25 and to retain operational access to the river culverts and prevent an increased risk of flooding.**

**46 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (dated 28/02/2012 – FRA/397111 revision 5 by PEP) and the finished floor levels shall be set no lower than set out in the FRA.**

**Reason: In order to comply with Planning Policy Statement 25 and to reduce the risk of flooding to the proposed development and future occupants.**

**47 No part of the development hereby permitted shall be commenced until details of flood compensation works have been submitted to and approved in writing by the Local Planning Authority.**

**Reason: In order to comply with Planning Policy Statement 25 and to reduce the risk of flooding to the proposed development and future occupants.**

**48 The surface water drainage details shall not include infiltration into the ground other than with the written consent of the Local Planning Authority, which may be given if it can be demonstrated that there will be no risk to controlled waters.**

**Reason: In order to comply with Policy ER7 of the Unitary Development Plan and Planning Policy Statement 23 and to ensure that any risks relating to contamination discovered during development are dealt with appropriately.**

### **Additional Informatives**

**13 The site lies immediately adjacent to the Ravensbourne. This watercourse is fed by groundwater from the surrounding Tertiary deposits (Harwich Formation, Lambeth Group and Thanet Sands). Whilst ordnance survey maps suggest that the Ravensbourne is culverted at this particular location, it is noted that it is a free flowing open channel immediately up and down stream. The Environment Agency are concerned that piled foundations for the buildings, and the piled retaining wall for what appears to be a multi-storey underground car park, could affect groundwater flows to the river.**

**14 The site lies within Source Protection Zone I for the Shortlands Public Water Supply. This abstracts groundwater directly from the chalk aquifer which underlies the tertiary deposits at this location. The Environment Agency are concerned that the piling could breach the top of the chalk aquifer, which could in turn have an impact on both the flow of groundwater to the abstraction and on the quality of the chalk groundwater.**

### **62 MAYORAL COMMUNITY INFRASTRUCTURE LEVY - LOCAL INFORMATION REQUIREMENTS LIST FOR PLANNING APPLICATIONS**

The Mayoral Community Infrastructure Levy (CIL) would be implemented on 1 April 2012. To assist in identifying planning applications that are CIL liable, a form would be available on the Planning Portal for applicants to complete and to set out existing and proposed floorspace. A copy of the form and general guidance notes were circulated to Members.

Members were asked to agree that the document be added to the Local Information Requirements list which was adopted by Members at a Committee meeting held on 8 February 2011.

Comments from the Legal Representative were reported at the meeting. Members were advised that in order to comply with Government guidance, consultation should be carried out over a period of 8 weeks before the additional documentation could be added to the Local Information Requirements list. Following the consultation period, the decision whether to add the form to the 'local list' should be delegated to the Chief Planner.

**RESOLVED that following a consultation period of 8 weeks, the decision as to whether or not the form should be added to the Local Information Requirements list be delegated to the Chief Planner.**

The Meeting ended at 8.40 pm

Chairman