



THE LONDON BOROUGH
www.bromley.gov.uk

BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

TELEPHONE: 020 8464 3333

CONTACT: Lisa Thornley
lisa.thornley@bromley.gov.uk

DIRECT LINE: 020 8461 7566

FAX: 020 8290 0608

DATE: 17 July 2012

To: Members of the
DEVELOPMENT CONTROL COMMITTEE

Councillor Peter Dean (Chairman)
Councillor Alexa Michael (Vice-Chairman)
Councillors Graham Arthur, Douglas Auld, Eric Bosshard, Katy Boughey,
Lydia Buttinger, Nicky Dykes, Simon Fawthrop, Peter Fookes, John Ince,
Russell Jackson, Mrs Anne Manning, Russell Mellor, Tom Papworth,
Richard Scoates and Harry Stranger

A meeting of the Development Control Committee will be held at Bromley Civic Centre on **THURSDAY 26 JULY 2012 AT 7.30 PM**

MARK BOWEN
Director of Resources

Public speaking on planning application reports is a feature at meetings of the Development Control Committee and Plans Sub-Committees. It is also possible for the public to speak on Contravention Reports and Tree Preservation Orders at Plans Sub-Committees. Members of the public wishing to speak will need to have already written to the Council expressing their view on the particular matter and have indicated their wish to do so to Democratic Services **by no later than 10.00 a.m.** on the working day before the date of the meeting.

The inclusion of public contributions, and their conduct, will be at the discretion of the Chairman. Such contributions will normally be limited to two speakers per proposal, one for and one against, each with three minutes to put their point across.

For further details, please telephone **020 8313 4745**.

A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 28 JUNE 2012**
(Pages 1-12)

4 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

In accordance with the Council's Constitution, questions to this Committee must be received in writing 4 working days before the date of the meeting. Therefore please ensure questions are received by the Democratic Services Team by 5pm on Friday 20 July 2012.

5 PLANNING REPORTS (Pages 13-46)

Item Number	Ward	Application Number and Address of Development
5.1	Kelsey and Eden Park	(12/00976/OUT) - GlaxoSmithKline, Langley Court, South Eden Park Road, Beckenham BR3 3BS

6 BROMLEY LOCAL PLAN (Pages 47-50)
(Appendices to follow)

.....

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 28 June 2012

Present:

Councillor Peter Dean (Chairman)
Councillor Alexa Michael (Vice-Chairman)
Councillors Reg Adams, Graham Arthur, Eric Bosshard,
Lydia Buttinger, Nicky Dykes, Simon Fawthrop, Peter Fookes,
John Ince, Russell Jackson, Charles Joel, Mrs Anne Manning,
Russell Mellor, Tony Owen, Richard Scoates and Harry Stranger

Also Present:

Councillors Stephen Carr, Roger Charsley, Will Harmer,
David Hastings and Peter Morgan

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Douglas Auld, Katy Boughey and Tom Papworth; Councillors Tony Owen, Charles Joel and Reg Adams attended as their respective substitutes.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 CONFIRMATION OF THE MINUTES OF THE MEETINGS HELD ON 16 MAY 2012 AND 7 JUNE 2012

RESOLVED that the Minutes of the meetings held on 16 May and 7 June 2012 be confirmed and signed as a true record.

4 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

5 PLANNING REPORTS

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

Item No.	Ward	Description of Application
5.1 (page 9)	Bromley Town	(12/01339/FULL1) - Single storey buildings and reconfiguration/change of use of part of shopping centre to provide 5 restaurants (Class A3), electricity substation, repositioned entrance to shopping centre and area for tenant plant on roof, with landscaping works and relocation of gates and railings at Queens Gardens, Kentish Way, Bromley.

Oral representations in objection to the application were received from Mr Tony Banfield, a local resident and Chairman of the Bromley Civic Society and The Friends of Bromley Town Parks and Gardens.

Mr Banfield raised the following points:-

- The previous application was refused on Conservation Area grounds and the current scheme had not overcome the original objections either in principle or detail.
- Queens Gardens had been gifted under a restrictive covenant to celebrate Queen Victoria's Diamond Jubilee.
- The Italian Garden was created in compensation for land which was given up to the Glades development.
- The Glades Terrace was created as a condition of the permission given for the original Glades development.
- The National Planning Policy Framework (NPPF) policies on heritage, open space and sustainable development, together with the Council's own conservation area policies were overriding considerations and presented an overwhelming case against the development.
- The siting of the proposal was a departure from the Adopted Area Action Plan (AAP).
- There were concerns about damage, danger and loss of amenity.
- The proposed design was out of keeping with the surrounding area.
- The grass-creting of the emergency vehicle hardstanding area was no compensation for the loss of the Italian Garden.

Oral representations in support of the application were received from Mr Howard Oldstein, General Manager of Capital Shopping Centres.

Mr Oldstein raised the following points:-

- Growth and prosperity in Bromley was important.
- Bromley Town Centre was not fresh enough.
- The vision set out in the AAP was key and the development would boost day and night time economy.
- The development aimed to be family friendly.
- The original footprint had been reduced by 50% and no part of the development would be constructed on historic ground.
- The development would enhance eating areas across the town centre.
- There would be 750 car parking spaces within a 500 yard radius of the scheme.

The final bullet point on page 9 of the report was amended to read:- 'reduction in overall floor space of 14%'.

Mr Oldstein confirmed that consultation with Bromley residents had been conducted via their web-site and directly with local residents.

The Chief Planner circulated plans showing the exact location of the proposed development. Members were informed that the condition concerning the proposed opening hours was consistent with that received in February. If Members were minded to permit the application, the following amendments to conditions were suggested:-

- Condition 7 - update approved plan reference number.
- Condition 17 - delete plan numbers.
- A condition relating to archaeology should be inserted.

Comments received from the Advisory Panel for Conservation Areas (APCA) stated that none of the concerns arising from the previous application had been resolved. It was reported that a further 17 letters of objection had been received however, Bromley MyTime had withdrawn their objections to the application.

A further letter had been received from the applicant who suggested that the current application conformed to minimum requirements, did not encroach on the historic gardens and the impact on the conservation area had been addressed. The Chief Planner confirmed that the land did not form part of the historic garden and was not deemed to be urban open space. The terraced area was marked in the Unitary Development Plan (UDP) as site 11 and the proposal to extend the Glades had been carried forward into the AAP as site E.

It was confirmed that Condition J09 related to the proposed opening hours of 6pm - midnight, 7 days per week.

Councillor Dykes commented that the proposed scheme was an overdevelopment of the site which went beyond the AAP and the NPPF provided further grounds for refusal. The application did not conform with

Policy BE13 of the UDP with regard to conservation areas which should be a leading material consideration and the footprint of the development was unacceptably large. Whilst Councillor Dykes was amenable to a single restaurant being constructed, she lay emphasis on the fact that once the land had been relinquished for development, it would be impossible to reclaim it. Councillor Dykes moved that the application be refused.

The Chairman considered that the amended development scheme would have less impact on Queens Gardens. As the site did not form part of the historic grounds and was a non-designated area, there would be no restrictions to prevent development of the site. The scheme complemented the rear aspect of the Glades and the proposed restaurants would brighten up the area and attract more people to Bromley. The Council was committed to improving the Town Centre and the scheme would have a major impact on the economy for Bromley. The Chairman moved that permission be granted.

Councillor Joel raised the following points in support of the application:-

- The overall size of the units had been reduced.
- The issues raised concerning a means of emergency escape and refuse collection had been resolved.
- There would be no loss of space.
- A business plan had been carried out.
- The scheme formed part of the AAP and there was a need for Bromley to expand, improve and move forward.

Councillor Joel seconded the motion for permission.

Councillor Fawthrop seconded the motion for refusal of the application.

Councillor Owen noted that no provision had been made for customers who smoked. He also raised concerns regarding licensing and the sale of alcohol. For these reasons Councillor Owen urged Members to carefully consider the impact on the residential amenity of local residents.

Councillor Manning made the following points both in support and in objection to the application:-

- The conservation area would be affected.
- The opening of the pedestrian route at night time would be a good boost to Bromley.
- The widening of footpaths was welcomed.
- The applicants had not addressed the impact of the restaurants on the gardens.
- The reduction in the depth of the building was minimal.
- 1 or 2 restaurants located on the site (with buildings adjusted to face 90 degrees the other way), would be preferable.
- Views of the garden would be lost.

- The scheme would be an overdevelopment of the site.
- Bromley's open spaces should continue to be protected.
- A3/A5 use should not be permitted.
- There were no substantive reasons for granting permission.
- If granted, permission should be subject to further conditions relating to:- odours emanating from the restaurants; music, external lighting and signage.

Councillor Michael commented that although the site may not be part of the historic area, it was, nevertheless, an open space and the development would have an effect on the openness of the gardens. There was an intensive A3/A5 use and as a large quantity of restaurants already existed in Bromley North, the provision of only 1 or 2 restaurants would be sufficient.

Councillor Arthur supported the application and commented that this was a vibrant and creative scheme which would enhance shopping in Bromley and stimulate the economy.

Councillor Mellor considered the proposed development to be an overintensive use of the site and out of character with the surrounding area in relation to materials and design.

Although in favour of regeneration, Councillor Adams commented that Queens Gardens was an area of tranquility and should be preserved. He also agreed that the scheme was at variance with the Conservation Area Policy and the AAP and would be an overintensive use of the site.

Councillor Fawthrop raised concerns with regard to the removal of four trees and the loss of green space. He emphasised the need to keep the act of faith that had been created between residents and the Council at the time the gardens were first created.

Councillor Scoates was in favour of a reduction in size to 2 or 3 restaurants.

A motion to approve the application fell at 7-10.

Following a subsequent vote to refuse the application (10-7), Members **RESOLVED that PERMISSION BE REFUSED for the following reason:-**

The proposal would be an overintensive development of the site, detrimental to the character and appearance of the Bromley Town Centre Conservation Area by reason of its size, site coverage, design, the loss of openness and public amenity to Queens Gardens, and be detrimental to the amenities of residential properties in the vicinity of Queens Gardens, by reason of increased evening activity resulting in noise and disturbance, contrary to Policies BE1 and BE11 of the Unitary Development Plan, Policy OSM of the Bromley Town Centre Area Action Plan and the Conservation Area Statement.

Item No.	Ward	Description of Application
5.2 (page 31)	Bromley Town	(12/01340/LBC) - Relocation of gates and railings LISTED BUILDING CONSENT.

Councillor Fawthrop moved that the application be refused; this was seconded by Councillor Dykes.

Following a vote of 9-3, Members **RESOLVED that LISTED BUILDING CONSENT BE REFUSED for the following reason:-**

The relocation of the gates and railings would be premature in the absence of any planning permission for development on their existing site.

6 CHANGES TO NATIONAL AND LOCAL PLANNING SYSTEM - UPDATE

Members considered the main implications for Bromley resulting from the publication of the National Planning Policy Framework, the Local Planning Regulations 2012 and the Local Neighbourhood Planning Regulations 2012 which, along with the London Plan, formed the administrative and legal framework for the development and application of planning policies within the Borough. The proposed timetable for the development of the Borough's Local Plan was also considered.

The Chairman gave a brief outline of the report and drew Members' attention to paragraph 3.10 relating to the Local Plan development timetable.

Referring to paragraph 3.5 of the report, Councillor Ince commented that some neighbourhood plans would be more suitable to Parish Councils and Shires. He was concerned that residents' associations and action groups may impede plans for improvement. The Head of Planning Strategy responded that many residents' associations would be seeking to protect the quality of areas however, the Government introduced Neighbourhood Plans as part of their growth proposals and the expectation was that they facilitate growth. All Neighbourhood Plans would have to be consistent with the Local Plan and would need to take cognisance of the London Plan.

With regard to paragraph 3.2, the following amendments were suggested:-

- 4th bullet point - the words 'cultural infrastructure' should be replaced with 'school places'.
- 5th bullet point - the words 'climate change' should be replaced with 'affordable energy'.

Members were informed that the housing targets would have to be set at a borough level and not determined in Neighbourhood Plans. They were primarily to encourage development as an improvement to areas.

Councillor Fawthrop commented that continuous emphasis should be placed on the need for extra car parking facilities for future sustainability.

Subject to the comments and suggestions above, Members **RESOLVED that the changes to national planning policy and local planning regulations be noted and the proposed revisions to Bromley's local plan development timetable be agreed.**

7a LIVING IN BROMLEY - HOUSING OPTIONS

In May 2012, the Local Development Plan Advisory Panel (LDPAP) agreed that work undertaken in preparation of the Core Strategy be incorporated into a Bromley Local Plan to comply with the Government's Planning Reforms. The report outlined the preferred strategy and options in relation to housing which would form the major part of the Living in Bromley section of the Local Plan. Members were requested to agree the policy approach set out in the report for incorporation into the Local Plan Options and Preferred Strategy Consultation document. The Executive would be requested to agree the document for consultation in early autumn.

The Chairman gave a brief outline of the report and stated that residents had been involved in the consultation process as suggested by the LDPAP.

Referring to Option 4A.3, Councillor Fawthrop raised concerns in relation to housing targets as developers were increasingly reporting that they could not viably include affordable housing in their schemes. Councillor Fawthrop suggested that a clause be inserted to ensure that economic conditions were taken into consideration. He also suggested that the words 'right to buy' and 'shared ownership' be incorporated into the option. Councillor Jackson requested that a percentage of the 35% target be allocated to shared ownership and that where Housing Association developments were proposed, that a right to buy scheme was incorporated. The Chairman responded that the issue of 'right to buy' could be dealt with individually at the time of application.

The Chairman referred to Option 4A.4 which stated that if more than 10 units were proposed, then the developer would be under an obligation to supply affordable housing. In response, the Chief Planner informed Members that the London Plan needed a percentage or numerical target and option 4A.3 was preferred because the 35% target was what the Council achieved via the UDP period. People disposing of and acquiring land should be aware of the constraints and whether a viability assessment had been undertaken. The target of 35% worked effectively. Large sites consisting of more than 10 units would be subject to a viability assessment.

Councillor Mellor commented on the importance of meeting targets and preferred to see a target of 470 units over the plan period. However, he did emphasise the need for the Council to remain mindful of the need to protect Green Belt land.

In response to a comment from Councillor Owen in relation to inappropriate development on residential gardens, the Chief Planner informed Members that Option 2A.4 recognised that development of residential gardens was not acceptable where it would cause harm to the residential area and prevented developers from using garden land for development.

Referring to paragraph 3.6.3, Councillor Ince noted there were no targets for intermediate/shared ownership. The Chief Planner clarified that under the existing plan, the percentage split was 70/30 between social housing and other types of affordable accommodation and emphasised the importance of selecting the most suitable type of housing for individual sites.

Councillor Joel welcomed the provision of housing designed for wheelchair accessibility and commented that he would like to see a percentage target set for the provision of a mix of housing supply for disabled, elderly and young people.

Subject to the comments and suggestions above, Members **RESOLVED that the policy options be incorporated into the Local Plan Options and Preferred Strategy Consultation document.**

7b OPTIONS PAPER FOR GYPSIES & TRAVELLERS AND TRAVELLING SHOWPEOPLE

In May 2012, the Local Development Plan Advisory Panel (LDPAP) agreed that work undertaken in preparation of the Core Strategy be incorporated into a Bromley Local Plan to comply with the Government's Planning Reforms. The report outlined the preferred strategy and options in relation to Gypsies and Travellers, which would form the major part of the Living in Bromley section of the Local Plan. Members were requested to agree the policy approach set out in the report for incorporation into the Local Plan Options and Preferred Strategy Consultation document. The Executive would be requested to agree the document for consultation in early autumn.

Referring to paragraph 3.19 (page 55), Councillor Mellor sought clarification on what liability was placed on the Council to provide a pitch to people living outside the Borough. In response, the Chief Planner informed Members there was no liability on the Council and that anyone could ask for a pitch in Bromley however, they would need to pass a test in order to obtain one.

Councillor Scoates referred to Option 2: Existing sites without permanent permissions (page 59) and stated that it was not acceptable to grant further temporary permission for the site in Layhams Road and that the site should not be expanded. The Chief Planner reported that if families were established and their children were settled in school, it would be difficult to refuse further temporary permission. He also stipulated that age, disability and education were crucial factors in traveller appeals. The only other alternative would be to find a number of sites elsewhere in the Borough. Councillor Scoates was disappointed with the current policies which stipulated that the Council was

required to grant plots to meet a specified quota and by doing so, land had been eroded.

Councillor Ince stated that further alterations to Green Belt land should be resisted; however, the Council were under challenge to create more spaces and were expanding anyway.

Councillor Fawthrop was concerned with the large number of articulated lorries at the Travelling Showman site and suggested that some action be initiated to revert the site to farmland. The Chief Planner confirmed that he was satisfied that all residents were part of the Travelling Showpeople's Guild. No further provision was planned for the site which had been granted permanent permission.

Councillor Buttinger refused to support any option which involved building on Green Belt land. In response, the Chief Planner emphasised the need to take account of expanding families. He stipulated that the preferred option suggested that, having established what the borough's target for provision should be, the Council would then have a policy to deal with sporadic visitors to the area.

It was suggested that the Chairman should write to local MPs to request that the issues raised by Members be considered in Parliament and nationally. A letter should also be written to the Secretary of State to reinforce the Council's views.

Subject to the comments and suggestions outlined above, Members **RESOLVED that:-**

- 1) the options set out in the report and recommended by the Local Development Plan Advisory Panel be endorsed as 'Preferred Options' in the forthcoming Local Plan consultation document;**
- 2) the Chairman write to local MPs to request that the issues raised above be considered in Parliament and nationally;**
- 3) the Chairman also write a letter to the Secretary of State reinforcing the Council's views.**

7c REVIEW OF GREEN BELT, METROPOLITAN OPEN LAND AND URBAN OPEN SPACE BOUNDARIES

In May 2012, the Local Development Plan Advisory Panel (LDPAP) agreed that work undertaken in preparation of the Core Strategy be incorporated into a Bromley Local Plan to comply with the Government's Planning Reforms. Following LDPAP's review of the Green Belt, Metropolitan Open Land and Urban Open space boundaries, DCC Members were requested to agree that the suggested amendments made by the LDPAP be incorporated into the Local Plan Options and Preferred Strategy Consultation document. The

Executive would be asked to agree the document for consultation in early autumn.

Referring to indicator number 11 on page 74 of the report, Councillor Fawthrop requested that the car park for Jubilee Gardens and the scout hut adjacent to it (located in Tent Peg Lane), be incorporated.

Councillor Manning commented that it was logical to have boundaries for common land but questioned why the bulk of the land was designated as Green Belt land whilst that which stretched beyond the boundary was designated as urban open space. The Chief Planner confirmed that this was in keeping with the rules on Green Belt boundaries which stipulated that any land outside a defensible boundary would be classified as urban open space.

Councillor Buttinger was concerned that a significant amount of Green Belt land had been given up to development and suggested that a policy be put in place whereby if a development took away green space then it should be replaced.

Councillor Michael was pleased to note that smaller pieces of land had been redesignated. The Chief Planner reported that there was approximately 32 sq m of green land comprising various designations.

Councillor Bosshard emphasised the need for the Council to continue to be robust in developing Green Belt boundaries.

Subject to the comments and suggested amendments outlined above, Members **RESOLVED that the suggested amendments to the Green Belt, Metropolitan Open Land and Urban Open Space boundaries be endorsed and included in the forthcoming Local Plan consultation document.**

8 LB BROMLEY FIVE YEAR SUPPLY OF HOUSING

The National Planning Policy Framework specified that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. In line with this policy, Members considered the five year supply position for the Council from 1 April 2012-31 March 2017 (Appendix 1).

The Chairman briefly outlined the report and informed Members that the target for the supply of housing was currently 500 p.a. The report would be updated annually.

Councillor Ince stated that a number of windfall sites had been found however, there had been problems in that they proved to be of too high a density. The Council needed to be robust in looking for further sites. The Head of Planning Strategy commented that the earlier report on Housing Options had included the need to consider and reflect the character of the local area including density. Officers were looking to analyse the historic

pattern of windfall sites, mindful that a number of them would have been on garden land and therefore may be different going forward.

Members were informed that the Council had adopted planning obligations which determined health and education requirements. Issues were taken on board through supplementary planning documents and such requirements are catered for by way of Section 106 Agreements.

RESOLVED that the five year supply position 01/04/12-31/13/17 be agreed.

9 PROPOSED REVIEW OF PLANNING ENFORCEMENT POLICY

Following the implementation of the Localism Act in November 2011, a number of new measures to reinforce local planning authorities' enforcement powers were introduced. Changes to the Planning Act came into force on 6 April 2012. The National Planning Policy Framework published in March 2012 introduced new policy guidance which emphasised the importance of effective enforcement as a means of maintaining public confidence in the planning system.

The report summarised recent changes to legislation and national policy guidance and reviewed the Council's approach to planning enforcement. Members were requested to authorise the preparation and adoption of a Local Enforcement Policy (incorporating the changes introduced by the Localism Act), in accordance with the guidance in the National Planning Policy Framework.

The Chairman outlined the report and welcomed the policy to reinforce Local Planning Authorities' enforcement powers.

Councillor Mellor questioned whether there would be sufficient staff to undertake the enforcement action required.

In response to a question from Councillor Manning, the Chief Planner informed Members that the new powers introduced under Section 225C (paragraph 3.7, page 201), could be used on temporary signs outside public houses, however most signs were likely to have been removed before the 28 day expiry of an Action Notice.

Councillor Buttinger asked the cost of a level 4 penalty imposed for being in breach of a Breach of Condition Notice (paragraph 3.5, page 201). The Legal Representative informed Members that he thought it was £2,500; this would be confirmed to Members via e-mail.

RESOLVED that the report be noted and the preparation and adoption of a Local Enforcement Policy in accordance with the guidance in the NPPF incorporating the recent changes introduced by the Localism Act be endorsed.

10 REPORTS TO NOTE

10.1 PUBLICITY FOR PLANNING APPLICATIONS

Members considered a report which outlined the Council's legal responsibilities and informal procedures for publicity for planning applications.

RESOLVED that the report be noted.

The Meeting ended at 10.10 pm

Chairman

Agenda Item 5

Application No : 12/00976/OUT

Ward:
Kelsey And Eden Park

Address : GlaxoSmithKline Langley Court South
Eden Park Road Beckenham BR3 3BS

OS Grid Ref: E: 537702 N: 167810

Applicant : DV4 Beckenham Trustee

Objections : YES

Description of Development:

Demolition of existing buildings and comprehensive phased mixed use development of up to 37,275sqm (gross external area) comprising up to 35,580 sqm Class C3 dwellings (up to 179 houses of different sizes and tenures including garages (including up to 79 affordable units)), up to 620sqm Class D1 (Non-Residential Institutions), up to 1,040sqm Class D2 (Assembly and Leisure) (including retention of existing pavilion and erection of replacement score hut), including reprofiling of site levels, creation of attenuation lake, estate roads and pedestrian/ cycle paths, open space, car parking, hard and soft landscaping, security access lodge and infrastructure works including substations. Use of pavilion building (permitted for staff restaurant/ sports club/ library, education and resource centre and general purpose meeting room) within Class D2 (Assembly and Leisure) in conjunction with adjacent playing field without any specific use/ occupier restrictions (as set out in condition 03 of permission ref. 98/01103/FUL PART OUTLINE

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Flood Zone 2
Flood Zone 3
London City Airport Safeguarding
Local Distributor Roads
Metropolitan Open Land
Sites of Interest for Nat. Conservation
Urban Open Space

Proposal

A hybrid planning application has been submitted for the development as described above.

The proposal seeks full planning permission for the use of the existing pavilion for sport and leisure in conjunction with the adjoining playing field without any specific occupier restriction; particularly the current restriction to use only by Glaxo Smith Kline (GSK).

The application also seeks outline permission for the demolition of all other existing buildings and the redevelopment of the site to create up to 179 houses of different sizes and tenures including up to 79 affordable units and up to 620sqm of class D1 which is shown as a GP surgery on the plans.

The proposal was initially submitted in March 2012 and included an Affordable Extra Care facility, with residential apartments. However, following confirmation by the care and commissioning division of the Housing department that the housing need for such a facility falls in the eastern part of the borough rather than the western part of the borough where Langley Court is located, the proposed extra care facility has been replaced by apartments for occupation as affordable rent and shared ownership. Revised plans and documents were submitted on 11th June 2012 having regard to this change.

Full details of the proposal are as follows;

Residential element

The proposal includes up to 179 homes of different sizes and tenures. The proposal is in outline form however, the parameter plans and a revised development specification have been submitted for approval. Should planning permission be granted, a condition would be required to ensure that the development is built in general accordance with the submitted parameter plans and Development Specification.

The design and access statement states that all dwellings will aim to meet all 16 Lifetime Homes Standards. The agent for the planning application has confirmed that all units will be designed to full Lifetime homes standards during the detailed design process.

The Planning Statement confirms that at least 10% of all units will be wheelchair accessible or designed so as to be easily adaptable for wheelchair users.

The proposed density of development is approximately 17 dwellings per ha based on a total site area of approximately 10.6ha. However, it is worth noting that approximately 2.4ha of the site which is designated as Metropolitan Open Land is to be retained as a playing field. Therefore, the area of the site which is proposed for residential development is approximately 8.2ha, thereby giving a proposed density of approximately 22 dwellings per hectare.

Houses

A total of 64 private houses are shown on the parameter plans, these comprise of 3 four bed houses, 36 five bed houses and 25 six bed houses and contain a total of 580 habitable rooms (as shown in the viability assessment).

Southern apartments

36 private apartments are proposed within the 'Southern apartments'. These are a mixture of two and three bed apartments and contain 130 habitable rooms (as shown in the viability statement).

Entrance apartments and Northern apartments

The proposed affordable housing provision comprises 25% of the development by habitable room (approximately 18% by floor area). 236 habitable rooms are proposed. Of the affordable housing to be provided, 62% of the habitable rooms are proposed as affordable rent and 38% as shared ownership. This comprises 79 affordable units (46 affordable rent and 33 shared ownership in a mix of 1, 2 and 3 bed units). These are located within the 'Entrance apartments' and 'Northern apartments'.

The proposed parking for the residential element of the development is as follows;

- 133 spaces (2 spaces per house in the form of garaging plus additional off road driveway space in front of garages);
- 82 Spaces (basement parking in the southern apartment buildings) (2 spaces per apartment + 10 visitors spaces);
- 70 spaces (parking for northern & entrance apartments)
- 21 spaces for Neighbourhood Parking (Langley Waterside).

10% of the car parking spaces for the residential apartments are proposed to be designated blue badge spaces.

Cycle parking for the 64 detached houses is to be provided within the garages. Two secure cycle spaces per house are proposed.

Secure cycle parking for the 36 apartments will be provided in the basement car parking areas for the apartments and in cycle storage units for the flats. 1 cycle space per unit is proposed.

A minimum of 20% of the residential and non-residential car parking spaces will be provided with Electric Vehicle Charging Points (EVCPs). In addition, 20% passive provision (wiring only) will be provided for residential spaces. Management of the communal Electrical Vehicle spaces will be undertaken by the Site Wide Management Company.

Class D1 use

A new building to provide a doctors/medical surgery (use class D1) is proposed adjacent to the northern apartments. Access to the GP/medical surgery will be provided directly from the spine road which runs from the Bucknall Way Roundabout.

10 car parking spaces are proposed for the doctors/healthcare facility.

The applicant has received comments in support of the application from Wickham Park surgery (located in Manor Road) in which they state that the medical centre proposed in the application is their preferred site for re location.

Pavilion proposal

Full planning permission is sought for the change of use of the pavilion to allow it to be used for leisure and assembly in conjunction with the adjoining playing field without any specific occupier restriction. An ancillary crèche facility is proposed to be provided within the existing pavilion building. A new score hut is also proposed and will be located on the foundations of the previous score hut.

The existing 70 car parking spaces for the pavilion will be retained and improved.

The planning statement submitted with the application explains the proposal for the management of the pavilion. It states that the existing sports pavilion and pitches are to be retained and it is intended that they will become a home for the Park Langley Junior Sports Academy. This will provide children with quality sports coaching and facilities from community to elite levels. Further information on the proposed programme is detailed in the planning statement addendum. To provide assurance that the pavilion will not come under pressure to be used for inappropriate uses in the future, a clause will be incorporated into the S106 agreement for the management and maintenance of the MOL/Pavilion.

Attenuation Lake, landscaping and play space

The proposed development includes a village green and an attenuation lake at the southern end of the site. The attenuation lake provides part of the sustainable drainage strategy for the overall site and provides above ground storage and attenuation for flood risk within the site. A flood relief channel is proposed along the southeast edge of the site and will direct flow into the proposed attenuation lake in the south.

A neighbourhood play area (450sqm) and a doorstep play area (100sqm) are proposed on the village green together with a bandstand. 300sqm of local playable space is proposed adjoining the northern and entrance apartments.

Access

The site is accessed from an existing roundabout to the north of the site off South Eden Park Road. The sports pavilion will be accessed directly from South Eden Park Road (as shown in the Design and Access Statement) and Emergency vehicles can access the site from this access directly from South Eden Park Road or from the roundabout to the north of the site.

The neighbourhood parking area adjacent to the southern apartments around the lake is accessed from a private road which is just off Creswell Drive at the south end of the site.

A new pedestrian/cycle route is proposed through the site along the existing MOL.

The Documents which are submitted for approval under the current planning application include;

- Development Specification June 2012
- Site location plan (dwg 00310_000 Rev 1)
- Parameter plans 1, 2, 3 (March 2012)
- Parameter plans 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 (as revised June 2012)

The following separate reports and plans have been submitted with the planning application;

- A Design and Access Statement (& addendum June 2012)
- A confidential Affordable Housing Viability Statement (as revised June 2012)
- Biodiversity report
- A Sustainability Statement (as revised June 2012)
- Statement of Community Involvement
- A tree survey and arboricultural implications report
- A flood risk assessment
- A heritage assessment
- A transport assessment report
- A Framework Travel Plan (as revised June 2012)
- A phase 2 contaminated land interpretative report and outline remediation strategy
- A townscape and visual impact assessment
- An assessment on the saved UDP Policy EMP5 criteria
- A planning obligations heads of terms statement
- Planning Statement (& addendum June 2012)
- An Illustrative Masterplan (as revised June 2012)
- Illustrative Access plans (as revised June 2012)

Development Specification Document

The development specification sets out the parameters and principles of the planning application within which future reserved matters applications will come forward. The development specification should be read together with the parameter plans. Both the development specification and the parameter plans are submitted for approval and can be tied to any permission by way of a planning condition.

Summary Statement

The summary document has been submitted with the application which provides an overview of the key planning issues and provides a brief summary of the accompanying technical reports.

Planning Statement

The planning statement describes the site and the surrounding area and sets out the relevant planning history to the site and the evolution of the proposals. It provides a detailed assessment of the proposed development within the context of national, regional and local policy. It concludes that the proposed development meets national, regional and local planning policies and accords with the Government's presumption in favour of sustainable development and housing objectives.

The Design and Access Statement

The Design and Access Statement shows how the site and its setting has been analysed and how design principles to achieve good, inclusive design for buildings and public spaces have been applied. The statement also explains the relationship between the Parameter and Illustrative plans.

Assessment on saved policy EMP5 criteria

The report provided by Roger Tym and partners puts forward evidence to demonstrate that the site is not suitable, viable or marketable for B1, B2 or B8 uses. The report concludes that the proposed redevelopment of Langley Court for non B Class uses satisfies the provisions of UDP Policy EMP5. It states that the safeguarding restriction on the development of Langley Court is not justified by the market, market forecasting evidence or by up to date national and regional policy. The Council have instructed consultants DTZ to review the evidence put forward by Roger Tym and partners. Further information on this matter will be provided in the consultation and conclusion sections of this report.

Affordable Housing Viability Assessment

The application is accompanied by an affordable housing viability assessment which considers the financial viability of the proposed development and the level of affordable housing provision which can be supported on the site. The Council instructed DTZ consultants to review the assessment of financial viability and the evidence put forward in relation to the employment use of the site. Further information on this matter will be provided in the consultation and conclusion sections of this report.

Biodiversity Report

The biodiversity report includes a Phase 1 Habitat survey, an Aquatic Invertebrate survey, a great crested newt survey, bat surveys and reptile surveys. The biodiversity report concludes that most species will be largely unaffected. Mitigation measures are proposed including closing off the badger sett and undertaking pre construction checks to minimise the disturbance to the protected species. The southern apartment buildings will have green roofs, thereby increasing the habitat for wildlife. The existing habitat along the Beck corridor will be improved through the proper maintenance of the watercourse and the planting of hedgerows and trees.

The Sustainability Statement

The sustainability statement explains how the proposed development will meet the London Plan 2011 requirement to achieve a 20% reduction in carbon emissions.

Flood Risk Assessment (FRA)

Part of the site is located within a designated flood risk zone with a potentially high risk of fluvial flooding associated with the Beck and its associated open and abandoned culverted tributaries. A flood risk assessment has therefore been submitted as part of the application.

The assessment views the majority of the site to be at low risk of flooding with areas to the south of the site at medium risk of flooding taking into account the existing fluvial and overland flood sources.

The FRA advises that the potential impacts include blockages in the onsite drainage systems and uncontrolled discharge of surface run off and changes to the flooding of the site. There is also potential for accidental spillages of fuel and oil on site.

The FRA states that it is proposed to use a number of Sustainable Drainage Systems (SuDS) features, such as permeable paving, soakaways, green roofs and underground modular storage to attenuate and control the surface water. Infiltration is to be used where possible on the site with the remaining flow attenuated prior to discharging to The Beck utilising existing outfalls within the site. Some SuDS features may require lining to avoid direct infiltration into the ground and contact with possible pockets of contamination. Swale features, a proposed pond and adjacent infiltration basin will provide storage for the larger storm events. During very extreme rainfall events shallow surface water flooding of parking and landscaped areas is anticipated and will be managed in a controlled manner. The FRA also states that the provision of a large lake feature together with opening up of the existing culvert on the site improves the overall flood regime for this site.

The FRA concludes that the redevelopment at the Langley Court Site will be possible with additional surface water controls such that flows are reduced into The Beck, thus reducing the flood risk to properties downstream. The overall drainage regime is improved and controlled for all events up to and including 100year + 30% increase for climate change flow.

Contaminated land report

The contaminated land assessment addresses the potential impacts with regard to the geology, hydrogeology, soils and the presence of historic land contamination and the potential risk management or mitigation measures which may be required. The assessment concludes that there is no contamination present that would prevent development. The report confirms that pollution prevention measures will be addressed within the construction environmental managements plan and that the proposed mitigation will be adopted, comprising a combination of monitoring measures and controls.

Transport Assessment

The Transport Assessment explains that the proposed redevelopment scheme results in fewer trips on the network, when the proposed residential scheme is compared with permitted employment use on the site, i.e. a net reduction in the potential impact on the local highway network. The assessment concludes that there are not expected to be any significant adverse impacts as a result of traffic generated by the proposed development. There may however be some degree of temporary disruption to road users during the arrival and exit of demolition and construction traffic. The revisions to the proposed development do not result in any change in the total number of trips being generated.

Travel Plan

The travel plan sets out a strategic level Framework Travel Plan for the whole site to be adopted to reduce the reliance on single occupancy car use, to reduce demand for car parking, and to maximise the use of other more sustainable forms of travel such as walking, cycling, public transport and car sharing by future residents of the development.

The travel plan identifies possible measures and initiatives to promote sustainable travel to allow Residential and Doctor's Surgery Travel Plans to be prepared by selecting appropriate measures and strategies that are consistent with their operating requirements and tailored to their needs. The residential and doctor's surgery Travel Plans will be submitted to the Council for approval prior to first occupation.

Arboricultural Implications Report

The tree survey which has been submitted as part of the application has been used to guide the design process of the development and to ensure the retention of the best trees. The report states that the trees that have been retained within the development have been selected due to their quality and importance within the landscape.

Heritage Statement

The heritage assessment is detailed in the heritage statement. It demonstrates that no designated heritage assets will be affected directly or indirectly by the proposed development, however, there is potential for unknown archaeology to be discovered during the development, and that a watching brief will be undertaken.

Townscape and visual impact assessment

The townscape and visual impact assessment considers the potential impact of the proposed development on townscape elements and character and on visual amenity. It acknowledges that the site is located in a 'view of local importance' however it concludes that the proposed development does not have a significant impact because the proposed scheme is of a similar scale to the existing development on the site.

Statement of Community Involvement

The statement of Community Involvement describes the pre application community involvement programme which took place over approximately eight months and sets out the feedback from this programme.

Location

The site comprises an area of approximately 10.6 hectares and lies to the south east of South Eden Park Road. The site has been in continuous use for pharmaceutical research and development since the 1920s when the site was developed by Wellcome. It is currently occupied by laboratories, offices and various other associated buildings. The applicants state that there are approximately 45 unoccupied and disused buildings associated with the former use of the site by Glaxo Smith Kline (GSK) and the buildings are in varying stages of repair many are beyond economic reuse or conversion. The total floor area of these buildings is just under 42,000sqm. The main part of the site, where most of the existing buildings are located has no specific designation in the Unitary Development Plan (UDP). To the west of the main built up complex lie playing fields and a pavilion. This part of the site is designated as Metropolitan Open Land (MOL).

The river Beck flows through the site from south to north in an open channel. Part of the site is located within flood zone 2 and 3 due to the potential for flooding as highlighted by the Environment Agency.

Part of the site falls within a Site of Importance for Nature Conservation (SINC), and there are a considerable number of trees on the site, some of which are covered by a Tree Preservation Order.

The surrounding area is characterised by low density suburban residential development. To the east and south east of the site are Langley Park and Langley Waterside housing developments (both on land which was previously occupied by GSK).

Comments from Local Residents

At the time of writing, 8 letters of objection/concern have been received regarding the proposed development. The main concerns relate to the following;

- introduction of affordable rental properties and the potential impact on the area,
- the proximity of the three storey development to existing gardens in Langley Park,
- the potential impact of the development on the existing wildlife
- impact on infrastructure (including schools and roads)
- the four storey development on the northern entrance to the site is out of character for South Eden Park Road
- overlooking from the apartments to the Langley Park development
- additional traffic generation

- potential impact on flood risk
- proximity of the sports field to the road and pedestrians- not adequate protection from cricket balls

One letter in support of the proposed development from a local resident has also been received.

Comments from Consultees

From a technical highways point of view, no objections have been raised to the proposed development subject to various conditions being attached to any permission and subject to the applicant carrying out the various safety measures as set out in the 2012 TA. The Council's Highways Road Safety Team have prepared a minor works scheme to improve road safety conditions for pedestrians crossing South Eden Park Road at the Creswell Drive roundabout; the applicant has confirmed that it is committed to undertaking these works in conjunction with the proposed development. The applicant will be required to fund the necessary highways improvement works including the provision of the new bus stop on the north side of South Eden Park Road and the improvements to the existing bus stop on the south side of the road.

Transport For London (TFL) have no objection in principle to the development proposals however further information and clarification is sought on several matters including justification of the level of parking proposed, access to and from the site on foot and by bicycle and how permeability can be improved. They advise that the impacts on the road and public transport networks are unlikely to be significant. The proposal for a new northbound bus stop, which would reduce what is at the moment a large gap between stops is supported. However the original proposed configuration of the bus stops was not supported by TFL and they have advised that they would prefer for the southbound bus stop to remain where it is and for the new northbound bus stop to be installed to the north. The applicant has confirmed that they are happy to do this. The applicant has also confirmed that they are committed to the funding or delivery of both pedestrian crossings on the public highway following TFL's initial suggestion for the incorporation of a pedestrian crossing on South Eden Park Road close to its junction south of Bucknall Way.

From a trees point of view, whilst the proposed development would result in the loss of trees, the significant trees around the perimeter of the site will be retained and Members may consider that the loss of trees is acceptable subject to standard conditions relating to trees and landscaping being imposed.

From a crime prevention point of view, the Metropolitan Police Crime Prevention advisor has stated that the application does not demonstrate how it has incorporated measures that will be employed to meet secured by design standards to reduce and prevent criminality and provide a safe environment for the residents. A Secure by design condition that requires the applicant to demonstrate how the development will achieve the secure by design principles will therefore need to be attached to the decision notice should permission be granted.

No objections have been raised from a heritage and urban design point of view, however, from a countryside management point of view, whilst the maintenance of the Site of Importance for Nature Conservation (SINC) is welcomed, details of how it is to be enhanced are required. The new pedestrian link alongside the SINC is also to be welcomed as long as there is no light spillage into the SINC. Concerns are however raised with regard to the closeness of some of the residential gardens to the SINC.

The Environment Agency has raised concerns with regard to the flood risk management and ground water protection. They are satisfied that these concerns can be dealt with by planning condition. However, they have also raised concerns regarding the impact of the development on the river and have requested that a green buffer strip alongside the water course be incorporated into the plans to prevent any detrimental impact on the river. Whilst the application has ensured that buildings are not included along the course of the river, the Environment Agency state that this does not prevent the detrimental effects which occur when gardens and fences are located right up to the top of the river bank. They recognise that requiring buffer zones of the full bye-law distance (of 8 metres) would be unreasonable in this case and that a reduced buffer zone would be acceptable. However, taking into account the designation of the majority of the river as a SINC, the buffer zone is of even greater significance at this site. The applicants have been in contact with the Environment Agency and a condition addressing the issue of a management plan will be attached should permission be granted. Discussions are on going between the Environment Agency and the applicants and any further comment will be reported verbally.

In terms of the sustainability of the proposal, the Council is happy with the information submitted in the Sustainability Statement and Energy Strategy with regard to climate change mitigation measures proposed. A standard condition can be added to the decision notice to ensure that these measures are carried out.

The Council's waste advisor has advised that all homes should leave refuse and recycling at the edge of the curtilage. Final details of the refuse and recycling for the flats are required.

The Council's highways drainage section welcome the use of swales, the pond/lake, permeable pavements, green roofs and soakaways as SuDS (Sustainable Drainage System) features to attenuate the surface water run off to green field rates. At the detailed stage, details of the surface water strategy for the site will need to be submitted to demonstrate how the SuDS features are incorporated to reduce surface water run off to Greenfield run-off rate for all events including the 1 in 100 year plus climate change storm event.

Thames Water advise that with regard to sewerage infrastructure and water infrastructure they do not raise any objection. Several conditions and informatives are suggested by Thames Water to ensure that the development is acceptable from their point of view.

Comments received from English Heritage confirm that they are happy to approve the Heritage Statement which includes an archaeological desk-based assessment

dated September 2008. English Heritage do not consider that any fieldwork needs to be undertaken prior to determination of the planning application subject to attaching conditions to any consent granted under this application.

The application is referable to the Mayor. At the time of writing the report, comments from the GLA have not been received. Any comments received from the GLA will be reported verbally at the Committee meeting.

Planning Considerations

The application is in outline with all matters reserved. The main consideration in determination of the application relates to the principle of the residential development of the site and the loss of employment land. UDP Policy EMP5 is therefore particularly relevant in the consideration of the application.

The application also falls to be determined against the following policies

Unitary Development Plan

- BE1 Design of new development
- H1 Housing Supply
- H2 Affordable Housing
- H3 Affordable Housing Payment in Lieu
- H7 Housing Density and Design
- T2 Assessment of transport effects
- T3 Parking
- T5 Access for people with restricted mobility
- NE2 Development and nature conservation sites
- NE7 Development and trees
- EMP5 Development outside business areas
- G2 Metropolitan Open Land
- G6 Land adjoining Green Belt or metropolitan Open land
- ER7 Contaminated Land
- C4 Health Facilities
- L6 Playing Fields
- IMP1 Planning Obligations

London Plan

- 2.6 Outer London: Vision and Strategy
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and design of housing developments
- 3.8 Housing Choice
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed schemes
- 3.13 Affordable housing thresholds
- 3.17 Health and social care facilities
- 3.19 Sports facilities

- 5.3 Sustainable design and construction
- 5.7 Renewable Energy
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 6.9 Cycling
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.17 Metropolitan Open Land

The recently published National Planning Policy Framework (NPPF) sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. It replaces almost all the Planning Policy Statement and Guidance notes. The Langley Court planning application will therefore need to be in accordance with the NPPF.

As part of the application process it was necessary for the Council to give a Screening Opinion as to whether an Environmental Impact Assessment was required. The proposal constitutes Schedule 2 development within the meaning of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. After taking into account the selection criteria in Schedule 3 of the Regulations and the terms of the European Directive, it was considered that the proposed development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size and location. The Council considered that the proposed development as submitted in application 11/02525/EIA is not 'EIA development' within the meaning of the 2011 Regulations.

Loss of Employment Land / Unitary Development Plan UDP Policy EMP5

A key consideration in the assessment of this application is the loss of employment land and the principle of the residential development of the site. Policy EMP5 states that the redevelopment of business sites or premises outside of the Designated Business Areas will be permitted provided that (i) the size, configuration, access arrangements or other characteristics make it unsuitable for uses Classes B1, B2 or B8, and (ii) full and proper marketing of the site confirms the unsuitability and financial non viability of the site or premises for those uses. The application would result in the loss of some 8ha of land protected by policy EMP5.

The NPPF states that employment land is to be protected where there is evidence that it is needed. It also states that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed.

The London Plan 2011 (Policy 4.4) identifies Bromley as a 'restricted' Borough in terms of transfer of industrial land to other uses. This means the Borough is classified as having a low level of industrial land relative to demand and/or low proportion of industrial land within the Strategic Industrial Locations framework. Bromley is obliged to adopt a more restrictive approach to transfer.

It is acknowledged that the GVA Grimley Economic Development and Employment Land Study raises a number of shortcomings of the site as employment land. These include poor access to amenities, the strategic motorway network, and public transport links. The sustainability and appropriateness for employment allocation is also highlighted. However, any comparison between the site and any equivalent employment land nearer a transport hub and town centre location dismisses the uniqueness of the site and employment potential over the long term. The site is in single ownership and hence land assembly would not be required to bring forward development, and there is public transport available in terms of bus services and a railway station in walking distance.

Evidence has been submitted by the applicant to demonstrate that the proposal is compliant with Policy EMP5 and that it is not suitable, viable or marketable for B1, B2 or B8 uses. The report sets out the marketing of the site over three economic cycles and the research which has been undertaken relating to its future potential. It looks at the market need and the scale and demand for B Class property within the Langley Courts geographic market. The report concludes that the safeguarding restriction on the development of Langley Court is not justified by the market, marketing or forecasting evidence, or by up to date national and regional policy.

The Council commissioned consultants DTZ to assess the approach taken by the applicants in order to identify its credibility. DTZ have reviewed the documentation provided by the applicant on this topic, reviewed relevant policy and assessed the evidence provided by the applicant against policy tests and the findings of DTZ's recent research on employment land supply and demand carried out for LB Bromley .

There are two issues which DTZ have identified. One is the medium/long term need for employment land in the Borough and the contribution which this site has made in the past. DTZ advise that the loss of employment land would exacerbate the lack of/imbalance in supply. Secondly is the extent to which this application addresses Policy EMP5. The applicant has made a strong case in the evidence they have submitted to justify a change of use. It would seem therefore that if the change of use is accepted, then the wider impact on the supply of employment land across the Borough could be addressed by a contribution from the residential redevelopment of this site to the wider employment provision.

Financial Viability of the site and the provision of affordable housing

The Councils policy H2 states that affordable housing will be sought on all sites capable of providing 10 dwellings or more, or on sites of 0.4ha or larger. This is in accordance with regional and national policy. The Council will seek a provision of

35% affordable housing on a habitable room basis. The application proposes affordable housing in the entrance and northern apartments.

An Affordable Housing Viability Statement prepared by Jones Lang La Salle has been submitted with the application, in order to provide support for the level of affordable housing proposed on the site. The results of the viability assessment demonstrate that the development can support the proposed level of affordable housing on the site which comprises 25% by habitable room.

The Council commissioned DTZ to carry out an independent scrutiny of the Applicant's proposals for affordable housing provision and the supporting Affordable Housing Viability Statement prepared by Jones Lang La Salle

DTZ have provided the Council with a residual value (RV) of the scheme based on the level of affordable housing assumed by the applicant (Scenario 1), but based on DTZ's own modelled assumptions; and have commented on whether the scheme can deliver more by way of S106 obligations, be that in the form of affordable housing or other S106 obligations.

They have also provided the RV of the scheme based on a policy compliant scheme of 35% of all habitable rooms to be provided as affordable housing (Scenario 2); and sensitivity tests to explore what level of affordable housing would be consistent with viability if it is apparent that the 35% quota cannot be delivered.

DTZ's initial findings demonstrate that there will be a greater surplus in the scheme than that demonstrated by the applicants. This will enable mitigation to be offered through contributions secured in the S106 agreement.

Housing quality and design policies

The Council's Policy H7 requires development to provide a mix of housing types and sizes and to recognise as well as complement the qualities of the surrounding areas. It requires new housing developments to comply with the density ranges as set out in the density matrix at Table 4.2 in the UDP. Table 4.2 of the UDP includes a density figure of 30-50 units/ha for suburban sites with a Public Transport Accessibility Level (PTAL) of 2 to 1.

The applicants have submitted a briefing note on density which explains the approach taken with regard to the proposed density of the development. The statement concludes that following extensive community consultation for the redevelopment of Langley Court it is clear that local residents positively support low density proposals with the density considered to be between Park Langley and Langley Park. The applicants state that the proposal will ensure that an exceptionally high quality of living environment is delivered.

For information, the density of the proposed development is approximately 22 dwellings per hectare (excluding land designated as MOL). This falls below the range as set out in Table 4.2 of the UDP and is lower than both the Langley Waterside and Langley Park developments but higher than the existing density at Langley Park.

Importantly Policy 3.4 of the London Plan seeks to optimise housing provision taking into account local context and character, design principles and public transport capacity. Members may consider that the proposed density of the development falling between the Langley Park and Park Langley densities, takes account local character and context and is thereby considered acceptable in this particular location. Policy 3.5 of the London Plan states that housing development should be of the highest quality internally and externally and in relation to their context and to the wider environment.

All of the proposed houses are to be detached with heights of between two and three storeys (as shown on parameter plan 07). The development specification document states that all plots are to be constructed with a minimum rear face to face distance in excess of 21m and rear to side elevations in excess of 11.5m. It also states that all plots are to provide a minimum rear garden length of 10.5m. However, parameter plan 05 which shows the plot extent, demonstrates that if all plots are built to their maximum parameters some rear gardens may actually measure just under 10m (for example plots 6 and 7). This may be due to secondary or subservient projections which the development specification states can be accommodated within this zone. It is important that the main footprint of the house allows for a minimum rear garden length of 10.5m and that the rear face to face distance is 21m as stated in the design specification in order to ensure that satisfactory space around buildings is provided and in order to comply with Policy BE1 and H7 of the UDP.

Metropolitan Open Land (MOL)

The existing pavilion and playing field are located on land which is designated as MOL. London Plan Policy 7.17 supports the protection of the MOL from development that would have an adverse impact on its openness. It states that the strongest protection should be given to London's Metropolitan Open land and inappropriate development refused. Policy G2 of the UDP states that permission will not be given for inappropriate development on MOL unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm.

The proposal seeks the retention of the playing field and existing pavilion however, seeks full planning permission for the change of use of the pavilion to allow it to be used for D2 sporting and community uses, including an ancillary crèche, in conjunction with the adjoining playing field. A score hut is proposed on the foundations of the previous score hut and will be used in conjunction with the use of the playing field.

All other UDP and London Plan policies mentioned above have been taken on board in the consideration of this planning application. The application is considered to be in general conformity with the above policies and with the recently published National Planning Policy Framework (NPPF).

Planning History

The extensive planning history at the former larger GSK site is considered of relevance to the proposal. The Planning Statement which accompanies the planning application sets out the history of the site in terms of land ownership and the previous use of the site by GSK. It states that GSK previously occupied an area of over four times the size of the current application site (previously known as the Langley Court Estate). In 1995, the Langley Court Estate passed into the ownership of Glaxo Wellcome as part of a merger between the two companies. Following this merger, the site was split and almost 82 acres of land were sold. This land was redeveloped and now comprises the housing developments known as 'Langley Park' and 'Langley Waterside'.

The following applications are considered relevant to the current proposal (these were all permitted/approved);

97/02062/OUTMAJ Redevelopment of part of the site for B1 business use and residential purposes with continues use of remainder of site for B1 purposes and as open land, with part of the open space at south of the site being available for public use) new access arrangements and on-site carparking; remedial works to The Dell area involving excavation of previously tipped material and subsequent backfilling with inert material (Part Outline)

The S106 for the above application required the Southern Employment Area to remain in employment for 5 years unless subsequently agreed to the contrary by the Council, with marketing information being supplied to the Council.

99/01761/FULL1 22 flats and 60 houses, estate roads and car parking area B former Glaxo Wellcome site.

99/03600/OUT Erection of primary school, residential development at a density not exceeding 65 habitable rooms per acre, associated parking and highway improvements (Outline).

This development is now known as Langley Waterside and the Unicorn Primary School. This application site is the site referred to above as the Southern Employment Area. In considering this application the officers report states that whilst it is true that the proposal would involve the loss of potential employment land, the reality is that there is little prospect of this land being used for such purposes. The likelihood is that the site would remain vacant which serves no desirable planning objective. Moreover, the site is not in a sustainable location for industrial or commercial use, given its limited public transport accessibility and its location within a primarily residential area.

90/00522/OUT Detached one/two storey sports club building, 2 detached single storey changing room building and bridge over the river Beck

97/02596/OTH Variation of condition 98 of permission 90/00522 to permit additional use of sports club as Glaxo Wellcome staff restaurant

98/01103/FUL Continued use as staff restaurant and sports club without complying with condition 03 of permission 97/02596 to permit additional use as library education and resource centre and general purpose meeting room.

Conclusions

As noted above, a key consideration in the assessment of this application is the loss of employment land and the principle of the residential development of this site. This needs to be assessed against the Council's UDP Policy EMP5, London Plan Policy 4.4 and the NPPF. Whilst the loss of employment land from the site is considered significant (resulting in a loss of some 8ha in one go) having regard to advice received from the Council's consultants on the matter, and the evidence submitted by the applicant, Members may consider that subject to satisfactory mitigation against this loss which could be covered in a S106 agreement, the principle of development is acceptable.

Whilst the amount of affordable housing proposed on the site is lower than the 35% provision sought in Policy H2 of the UDP, the financial viability assessment submitted with the application advises that the 25% habitable room provision that is proposed is a viable option that can be delivered on site. It is therefore considered that the level of affordable housing proposed on the site is acceptable subject to a commuted sum being included in the S106 agreement.

With regard to the potential for overlooking from the proposed blocks of flats, page 47 of the Design and Access Statement (March 2012) shows the location and massing of the existing industrial buildings on the site as compared to the proposed apartment blocks. The proposed apartments will be no higher than the existing buildings on the site and will be orientated in such a way so as to avoid overlooking. The existing vegetation along the site boundary provides a buffer/screen between the proposed development and the existing dwellings in Langley park and Langley waterside. Moreover, the additional landscaping (details to be submitted and approved as part of the details application) will also help to alleviate any potential overlooking.

The proposed development will have a degree of impact on the existing environment. The Council's main concern relates to the potential impact of the development on the wildlife along on the watercourse and within the SINC. This is also a concern of the Environment Agency. It is therefore important that a satisfactory buffer and or management plan for River Beck corridor is agreed with the Council prior to development. The proposed mitigation measures as set out in the biodiversity report together with a management plan for the maintenance and enhancement of the River Beck corridor will minimise disturbance to protected species and ensure the protection and enhancement of the SINC.

As noted above, the applicants are proposing a number of highways improvements and have confirmed that they are happy with the suggested minor improvement works as suggested by the Council. The 2012 Transport Assessment advises that the proposed development will result in fewer trips on the road network, when compared with the permitted employment use on the site. Taking this into consideration and also the fact that there are no technical highways objections to

the proposal, Members may consider that the application is acceptable in terms of its potential impact on the existing roads.

The existing sports pavilion and pitches are located on land which is designated as MOL. Policy G2 of the UDP sets out the criteria which development must meet in order to be considered acceptable in the MOL and not cause harm or detrimentally effect the openness or visual amenity of the MOL. The planning statement addendum confirms that the applicant is happy for a clause to be incorporated into the S106 agreement to provide details of the management and maintenance of the MOL/Pavilion to LBB to ensure that it does not come under pressure to be used for inappropriate uses in the future. Given that the pavilion is existing and that the proposed score hut is to be used in conjunction with the playing field, Members may consider that subject to the clause to be incorporated within the S106, the proposals for the pavilion are acceptable.

The planning application has been assessed against local, regional and national planning policies and is considered to be in general conformity with them. Members may therefore consider that the application is acceptable subject to the prior completion of a legal agreement covering the following;

- provision of affordable housing,
- a financial contribution to mitigate against the loss of the employment land,
- an education contribution,
- a highways contribution for the highways improvement works and provision of an additional bus stop and crossing,
- a management plan for the site,
- a management plan for the pavilion and MOL,
- the provision of the healthcare facility

RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT

and the following conditions:

- 1 (i) Details relating to the
 - (a) access
 - (b) appearance
 - (c) landscaping
 - (d) layout
 - (e) scale

shall be submitted to and approved by the Local Planning Authority before any development is commenced (excluding demolition).

- (ii) Application for approval of the details referred to in paragraph (i) above must be made not later than the expiration of three years beginning with the date of this decision notice.

- (iii) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the details referred to in paragraph (i) above, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: No such details have been submitted and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 2 The development shall be carried out materially in accordance with the Development Specification (dated June 2012) and the following Parameter Plans and Tree Removal Plan:

Parameter Plan 1 00310_001 Revision P1
Parameter Plan 2 00310_002 Revision P1
Parameter Plan 3 00310_003 Revision P1
Parameter Plan 4 00310_004 Revision P2
Parameter Plan 5 00310_005 Revision P2
Parameter Plan 6 00310_006 Revision P2
Parameter Plan 7 00310_007 Revision P2
Parameter Plan 8 00310_008 Revision P2
Parameter Plan 9 00310_009 Revision P2
Parameter Plan 10 00310_010 Revision P2
Parameter Plan 11 00310_011 revision P2
Parameter Plan 12 00310_012 Revision P2
Parameter Plan 13 00310_013 Revision P2

Reason: To ensure that the proposal is carried out in accordance with the approved Development Specification and plans.

- 3 Each Reserved Matters application that is submitted shall be accompanied by a Reconciliation Document setting out:

- what has been built to date;
- what is proposed in the reserved matters application; and
- what is permitted in outline but has yet to be approved in detail.

In doing so it shall demonstrate how the development the subject of the reserved matters application is consistent with the overall proposals for the site, as established by the Development Specification and Parameter Plans.

Reason: To enable the Council to be satisfied that detailed proposals for part of the site are consistent with the outline proposals for the site as a whole, as established by the Development Specification and Parameter Plans.

- 4 Prior to commencement of development (excluding demolition), a plan showing the indicative area of each Reserved Matters Phase shall be submitted to and approved by the Local Planning Authority.

Reason:

- 5 The landscaping scheme as approved under each Reserved Matters application shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in

the next planting season with others of a similar size and species to those originally planted.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

6 Unless otherwise agreed in writing by the Local Planning Authority, the trees hereby approved as part of each Reserved Matters landscaping scheme shall be of standard nursery stock size in accordance with British Standard 3936:1980 (Nursery Stock art 1:Specification for Trees and Shrubs), and of native broad-leaved species where appropriate.

Reason: In order to comply with Policy NE8 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

7 Before each Reserved Matters part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of visual amenity and the amenities of adjacent properties.

8 No trees on the site shall be felled, lopped, topped or pruned before or during building operations except those approved on the Tree Removal Plan (Ref:00310_004 Revision P2) or with the prior agreement in writing by the Local Planning Authority. Any trees removed or which die through lopping, topping or pruning shall be replaced in the next planting season with trees of such size and species as may be agreed with the Authority.

Reason: In order to comply with Policy NE7 of the Unitary Development Plan and to ensure that as many trees as possible are preserved at this stage, in the interest of amenity.

9 The work to the tree(s) hereby granted consent shall be carried out in accordance with the approved Arboricultural Implications Report (March 2012) and British Standard 3998:1989 (Recommendations for Tree Work).

Reason: In order to comply with Policy NE8 of the Unitary Development Plan and in the interest of good arboricultural practice and the visual amenities of the area.

10 There shall be no excavation works beneath the canopy of any trees shown to be retained on the submitted plan (Ref: 00310_004 Revision P2) unless with the prior agreement in writing by the Local Planning Authority. The access roads and car parking spaces shall be constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to comply with Policy NE7 of the Unitary Development Plan to ensure works are carried out using a “no-dig” method of work and according to good arboricultural practice, and in the interest of the health and visual amenity value of trees to be retained.

11 No demolition or site clearance shall be undertaken until an arboricultural method statement detailing the measures to be taken to protect trees during demolition is submitted to and approved in writing by the Local Planning Authority.

The statement shall include details of:

- type and siting of protective fencing, and maintenance of protective fencing for the
- duration of demolition;
- type and siting of scaffolding (if required);
- details of the method and timing of demolition and site clearance
- location of site facilities (if required)
- location of bonfire site (if required);
- details of the method to be used for the removal of existing hard surfacing within
- protected zones.

The method statement shall be implemented according to the details contained therein until completion of the demolition and site clearance works,.

Reason: To ensure that all existing trees to be retained are adequately protected and to comply with Policy NE7 of the Unitary Development Plan.

12 No building works (excluding demolition) shall be undertaken within each Reserved Matters Area, and no associated equipment, plant, machinery or materials for the purposes of development shall be taken onto the site until an arboricultural method statement detailing the measures to be taken to construct the development and protect trees within the relevant Reserved Matters area is submitted to and approved in writing by the Local Planning Authority.

The statement shall include details of:

- type and siting of protective fencing, and maintenance of protective fencing for the duration of the construction within each Reserved Matters Area;
- type and siting of scaffolding (if required);
- details of the method and timing of building works
- depth, extent and means of excavation of foundations and details of method of construction of new foundations
- location of site facilities (if required), and location of storage areas for materials, structures, machinery, equipment or spoil, and mixing of cement or concrete;
- location of bonfire site (if required);
- details of the location of underground services avoiding locating them within the protected zone
- details of the nature and installation of any new surfacing within the protected zone
- methods proposed for the watering of the trees during the course of the project

The method statement shall be implemented according to the details contained therein until completion of building works for each Reserved Matters area, and all plant, machinery or materials for the purposes of development have been removed from the site.

Reason: To ensure that all existing trees to be retained are adequately protected and to comply with Policy NE7 of the Unitary Development Plan.

13 The applicant shall at his own expense instruct an arboricultural consultant, approved by the Council in writing to liaise with the developer and/or his architect or engineer to approve details of construction methods, oversee the works and report to the Council throughout the period of the works in so far as the works may affect trees within 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 arboricultural consultant in respect of works in so far as they relate or affect trees within the site, including an instruction to cease work if the arboricultural consultant considers that works have deviated from the agreed working methods and in these circumstances works shall not recommence until or unless written authority has been given by the Council or the arboricultural consultant that such works may recommence.

Reason: To ensure that works are carried out according to good arboricultural practice and in the interests of the health and amenity of the trees to be retained around the perimeter of the site and to comply with Policy NE7 of the Unitary Development Plan.

14 A Site Wide Ecological Management Plan, including tree and shrub planting, habitat enhancement, details of a Himalayan Balsam Management Programme, details of the creation of Stag Beetle habitat, long term design objectives and a management and maintenance plan for the Beck corridor shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted. The plan shall include arrangements and timetable for its implementation and shall be carried out in accordance with the approved details.

Reason : In order to comply with Policy NE2 of the Unitary Development Plan.

15 Details of a foul water drainage system shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced (excluding demolition) and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: To ensure satisfactory means of foul water drainage and to accord with Policy ER13 of the Unitary Development Plan.

16 No development (excluding demolition) shall take place until details of drainage works have been submitted to and approved in writing by the Local Planning Authority, and drainage works shall be carried out in accordance with the approved details prior to first use of any dwelling. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles of sustainable drainage systems set out in Annex F of PPS25, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system scheme (SuDS) is to be implemented, the submitted details shall:

(i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;

- (ii) specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and
- (iii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
The scheme shall be implemented, maintained and managed in accordance with the approved details

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy ER13 of the Unitary Development Plan.

- 17 Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works (excluding demolition). Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.

Reason: To ensure a satisfactory means of surface water drainage and to accord with Policy ER13 of the Unitary Development Plan.

- 18 Details of an Emergency Flood Management Plan shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is occupied.

The approved Emergency Flood Plan shall be kept in place and its findings implemented for as long as development to which it relates is occupied.

Reason: To ensure satisfactory Emergency Flood Management Plan is in place and to accord with Policy ER13 of the Unitary Development Plan.

- 19 No development (excluding demolition) shall take place until details of measures to protect groundwater during construction, including details of groundwater monitoring, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory means of drainage during construction and to accord with Policy ER13 of the Unitary Development Plan.

- 20 Details of the layout of the access roads including its junction with Bucknell Way Roundabout, South Eden Park Road and Creswell Drive and dimensions of visibility splays shall be submitted to and approved in writing by the Local Planning Authority and these access arrangements shall be substantially completed before any part of the development hereby permitted is first occupied, or as otherwise agreed in writing with the Local Planning Authority.

Reason: In order to comply with Policy T18 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.

- 21 Before any work is commenced (excluding demolition) within each reserved matters area, details of parking spaces and/or garages and sufficient turning space shall be submitted to and approved in writing by the Local Planning Authority and such provision shall be completed before the commencement of the use of the land or building hereby permitted within each reserved matters area, and shall thereafter be kept available for such use. No development whether permitted by the Town and Country Planning (General Permitted Development Order) 1995 (or any Order amending, revoking and

re-enacting this Order) or not, shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

22 Details of arrangements for storage of refuse and recyclable materials within each reserved matters area, (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority before the relevant Reserved Matters area of the development hereby permitted is commenced (excluding demolition) and the approved arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

23 Before each Reserved Matters area of the development hereby permitted is first occupied, bicycle parking within the relevant reserved matters area, shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

Reason: In order to comply with Policy T7 and Appendix II.7 of the Unitary Development Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

24 Details of a scheme to light the access drives and car parking areas within each reserved matters area hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development of the relevant reserved matters area hereby permitted is commenced (excluding demolition). The approved scheme shall be self-certified to accord with BS 5489 - 1:2003 and be implemented before the relevant of the development is first occupied and the lighting shall be permanently retained thereafter.

Reason: In order to comply with Policy T3 and Appendix II of the Unitary Development Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.

25 (i) Full particulars of the Electric Vehicle Charging Points (EVCPs) to be provided within each Reserved Matters area and a programme for their installation and maintenance shall be submitted to and approved in writing by the local planning authority before the development in each Reserved Matters area is first occupied.

(ii) The provision of EVCPs shall be in accordance with the Development Specification.

Reason: In accordance with Policy 6.13 of the London Plan 2011.

26 Details of a scheme for the management of the Neighbourhood car park shall be submitted to and approved in writing by the Local Planning Authority before this car park is first occupied and the car park shall be operated in accordance with the approved scheme at all times unless previously agreed in writing by the Authority.

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

27 Prior to the commencement of each Reserved Matters area of the development (excluding demolition) hereby permitted a Construction Logistics Plan for the relevant reserved matters area shall be submitted to and approved in writing by the Local Planning Authority. The Plans shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these, details of construction vehicle holding areas, parking and turning, details in relation to craneage and operating machinery, as necessary, details in relation to storage of construction materials and site accommodation facilities; details in relation to any service diversions and construction delivery routes. The Construction Logistics Plan shall include details of the ecological protection measures for the SINC and protected species on site during construction. The Construction Logistic Plans shall be implemented in accordance with the agreed timescale and details.

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

28 No works (including demolition) shall commence until a Demolition Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The Demolition Logistics Plan shall include details of the ecological protection measures for the SINC and protected species on site during demolition. No demolition works shall be carried out other than in accordance with the approved Demolition Logistics Plan.

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

29 No works (excluding demolition) shall commence in a particular Reserved Matters Area until a Code of Construction Practice (CoCP) for that reserved matters area has been submitted to and approved in writing by the local planning authority. No such works shall be carried out other than in accordance with the approved phase-specific CoCP.

Reason: To ensure that the demolition and construction processes are carried out in a manner which will minimise possible noise, vibration, dust and mud pollution and minimise disturbance from road traffic.

30 The hours of construction are to be 8am to 6pm on weekdays and 8am to 1pm on Saturdays, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to minimise disturbance to local residents.

31 Prior to first occupation of the development, detailed Travel Plans for residential and non-residential uses, pursuant to the Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan should include measures to promote and encourage the use of alternative modes of transport to the car. It shall also include a timetable for the implementation of the proposed measures and details of the mechanisms for implementation and for annual monitoring and updating.

The Travel Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In order to ensure appropriate management of transport implications of the development and to accord with Policy T2 of the Unitary Development Plan.

32 At least 10% of all units provided will be wheelchair accessible or designed so as to be easily adaptable for wheelchair users. Details of proposals to provide 10% of dwellings capable of occupation by wheelchair users shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development hereby permitted (excluding demolition). All the dwellings hereby permitted shall be designed to meet "Lifetime Homes" standard in accordance with the criteria set out in Supplementary Planning Guidance to the London Plan "Accessible London: achieving an inclusive environment" (April 2004) . The dwellings shall be constructed in accordance with the approved details.

Reason: In order to comply with Policy 3.5 of The London Plan.

33 The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific needs of the application site and the development. Details of these measures, for each reserved matters area, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the relevant Reserved Matters area of the development hereby permitted (excluding demolition), and implemented in accordance with the approved details. The security measures to be implemented in compliance with this condition shall seek to achieve the "Secured by Design" accreditation awarded by the Metropolitan Police.

Reason: In the interest of security and crime prevention and to accord with Policies H7 and BE1 of the Unitary Development Plan.

34 Details of a scheme of lighting (including the appearance, siting and technical details of the orientation and screening of the lights and the means of construction and laying out of the cabling) within each reserved matters area shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced in the relevant reserved matters area (excluding demolition), and the approved scheme shall be implemented before the development hereby permitted is first occupied. Thereafter the approved scheme shall be permanently retained in an efficient working manner and no further lighting shall be installed on the site without the prior approval in writing by the Local Planning Authority.

Reason: In order to comply with Policy ER10 of the Unitary Development Plan and in the interest of amenity and public safety.

35 Details of the proposed slab levels of the building(s) and the existing site levels within each reserved matters area shall be submitted to and approved in writing by the Local Planning Authority before work commences on the relevant Reserved Matters Phase (excluding demolition) and the development shall be completed strictly in accordance with the approved levels.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

36 The development hereby permitted shall be carried out strictly in accordance with the slab levels shown on the approved drawing(s).

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

37 Prior to the demolition of the 'Lodge' building no development (including demolition) of that building shall take place within the application site until the developer has secured the implementation of a programme of archaeological recording of the standing historic building, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason:

38 No development (excluding demolition) shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: In order to comply with Policy BE16 of the Unitary Development Plan.

39 No part of the development hereby permitted shall be commenced (excluding demolition) prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to and approved in writing by the Local Planning Authority.

(a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval in writing. The desk study shall detail the history of the sites uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved in writing by the Local Planning Authority prior to investigations commencing on site.

(b) The site investigation, including relevant soil, soil gas, surface water and groundwater sampling shall be approved in writing by the Local Planning Authority.

(c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors, a proposed remediation strategy and a quality assurance scheme regarding implementation of remedial works, and no remediation works shall commence on site prior to approval of these matters in writing by the Authority. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment.

(d) The approved remediation works shall be carried out in full on site in accordance with the approved quality assurance scheme to demonstrate compliance with the proposed methodology and best practise guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.

Upon completion of the works, a closure report shall be submitted to and approved in writing by the Authority. The closure report shall include details of the remediation works carried out, (including of waste materials removed

from the site), the quality assurance certificates and details of post-remediation sampling.

Reason: In order to comply with Policy ER7 of the Unitary Development Plan and to prevent harm to human health and pollution of the environment.

40 Prior to any works commencing on site (including demolition), a survey for badgers shall be carried out and a management plan for their protection detailing mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to comply with Policy NE3 of the adopted Unitary Development Plan and in order to safeguard the interests and well-being of badgers and their setts.

41 No demolition of buildings which are shown to have bat roosts in the 2010 and 2011 Bat Surveys carried out on the site, (attached as Appendix D and E to the March 2012 Biodiversity Report) shall take place until a Natural England Bat Development Licence has been obtained. All other buildings on site can be demolished.

Reason: In order to comply with Policy NE3 of the Unitary Development Plan and in order to safeguard the interests and well-being of bats on the site which are specifically protected by the Wildlife and Countryside Act 1981 (as amended).

42 Details of bat roosts within new buildings on site are to be submitted and approved in writing by the Local Planning Authority prior to first occupation of any buildings in a particular Reserved Matters Phase. Schwegler 1FF bat boxes are to be erected in the woodland of the Beck SINC.

Reason: In order to comply with Policy NE3 of the Unitary Development Plan and in order to safeguard the interests and well-being of bats on the site which are specifically protected by the Wildlife and Countryside Act 1981 (as amended).

43 Details of any operational lighting within the woodland corridor are to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of residential properties on site. All lights should be sensitively designed and be hooded and on sensors to avoid lighting overspill.

Reason: In order to comply with Policy NE3 of the Unitary Development Plan and in order to safeguard the interests and well-being of bats on the site which are specifically protected by the Wildlife and Countryside Act 1981 (as amended).

44 No development shall take place within the application site until the developer has secured the implementation of a programme of archaeological recording of the standing historic building(s), in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to comply with Policy BE16 of the Unitary Development Plan.

45 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by RSK (dated 13 March 2012, referenced 131495-R13(3)-FRA), and the following mitigation measures detailed within the FRA:

1. Finished ground floor levels for the proposed building footprint to be set no lower than 600mm above the 1 in 100yr plus climate change flood level

within the Beck, paragraph 7.4.27, or 300mm above the 1 in 100 year plus climate change design level for the overland flow, paragraph 7.4.28, as shown on Figure 10;

2. Surface water run-off to be managed in accordance with the principles set out within Section 7 of the approved FRA and Figure 11 'Proposed SuDS Strategy'. Detailed calculations to be provided for the design of all relevant SuDS elements, including: soakaways, swales, infiltration basins and permeable paving lined porous paving, shallow tank storage, and any provisions for overland flow routes and areas of above ground storage, in order to demonstrate that surface water run-off will be restricted to Greenfield rates for all events up to and including the 1 in 100 year plus climate change event;

3. Any proposed new bridge crossing will be designed such that the soffit will be set a minimum of 300mm above the 1 in 100 year plus climate design flood level.

Reason: To reduce the impact of flooding both to and from the proposed development and third parties.

46 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites' - http://publications.environment-agency.gov.uk/?lang=_e. – Product Code SCHO0202BISW-E-E. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

47 Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

48 The proposed Neighbourhood Parking Area shall provide a maximum of 21 car parking spaces for the sole use of residents and visitors to the adjacent Langley Waterside development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policy T3 of the Unitary Development Plan.

INFORMATIVE(S)

- 1 Thames Water will aim to provide customers with a minimum pressure of 10m (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 2 You should seek engineering advice from the Environmental Services Department at the Civic Centre regarding any of the following matters:-
 - the agreement under S.38 of the Highways Act 1980 concerning the estate road (Highways Planning Section)
 - the alignment and levels of the highway improvement line (Highways Planning Section)
 - general drainage matters (020 8313 4547, John Peck)
 - the provision of on-site surface water storage facilities (020 8313 4547, John Peck)
 - the provision for on-site storage and collection of refuse (020 8313 4557 email csc@bromley.gov.uk)
- 3 Recent legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk
- 4 Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
- 5 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted

on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 6 The access improvement at former GSK Main Gate junction with South Eden Park Road would be narrowed. This work could be carried out under a Licence also a bond would be necessary.

Application:12/00976/OUT

Address: GlaxoSmithKline Langley Court South Eden Park Road Beckenham BR3 3BS

Proposal: Demolition of existing buildings and comprehensive phased mixed use development of up to 37,275sqm (gross external area) comprising up to 35,580 sqm Class C3 dwellings (up to 179 houses of different sizes and tenures including garages (including up to 79 affordable



This page is left intentionally blank

Report No.
DRR12/091

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **Development Control Committee**

Date: **26 July 2012**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **Bromley Local Plan**

Contact Officer: Mary Manuel, Head of Planning Strategy and Projects
Tel: 020 8313 4303 E-mail: mary.manuel@bromley.gov.uk

Chief Officer: Bob Mcquillan – Chief Planner

Ward: All

1. Reason for report

This report brings strategic options under the chapter headings used for the Core Strategy Issues Document consultation last summer for inclusion within the Options and Preferred Strategy consultation on the Bromley Local Plan. It forms part of the move to a Local Plan and builds on the initial strategic options discussed at the Development Control Committee's meeting in June 2012.

2. **RECOMMENDATION(S)**

Development Control Committee is asked to agree:

2.1 that the policy options as set out in this paper and appendices be incorporated in the Local Plan Options and Preferred Strategy Consultation document, and

2.2 the basis of the consultation process for the Options and Preferred Strategy stage of the Bromley Local Plan

Corporate Policy

1. Policy Status: New Policy:
 2. BBB Priority: Children and Young People Excellent Council Quality Environment Safer Bromley Supporting Independence Vibrant, Thriving Town Centres
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Planning and Renewal Budget
 4. Total current budget for this head: £2.0m
 5. Source of funding: Existing Revenue Budget 2012/13
-

Staff

1. Number of staff (current and additional): 74 FTEs
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Not Applicable:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Borough-wide
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Views are being invited
2. Summary of Ward Councillors comments: Comments will be reported orally to the Committee

3. COMMENTARY

- 3.1 The last Local Development Framework Advisory Panel (LDFAP) meeting (31st May) and Development Control Committee (28th June) agreed the preparation of a Bromley Local Plan, incorporating the earlier work undertaken supporting development of a Core Strategy, and the indicative timetable. The meetings considered strategic options for several themes agreed for inclusion within the next stage of the plan-making process; Options and Preferred Strategy.
- 3.2 The intention is to report the draft Options and Preferred Strategy document to the Executive in early September seeking approval for a six-week public consultation.
- 3.3.1 This meeting of the Development Control Committee is asked to consider the strategic options for the remaining main theme areas of the Local Plan. These are also being considered by the LDFAP and its comments will be reported orally to the meeting. A range of Development Management policies will support the draft Strategic Options. This suite of policies will include both new policies and others, which may reflect closely existing UDP policies where they support the agreed Strategic Options. The following appendices set out the strategic options:
- a) Living in Bromley
 - b) Supporting Communities
 - c) Getting Around
 - d) Valued Environments
 - e) Working in Bromley
 - f) Environmental Challenges
- 3.4 Other Council departments and key agencies, such as health, and the police have been involved on an individual basis and through the Partnership Officers Group, and prior to the Executive meeting further discussions internally and with stakeholders will take place to ensure appropriate and effective linkages with other borough strategies. This will also include the GLA and assessment of options for general conformity with the London Plan and the National Planning Policy Framework (NPPF), while developing a plan appropriate to the Borough's long-term vision.
- 3.5 Alongside developing a Local Plan, the Council must fulfil the new Duty to Cooperate, which is a statutory requirement of the Localism Act 2011. Planning for cross boundary impacts is now a material planning consideration and eventually in the plan development process submitted plans must be able to demonstrate that they have had adequate regard for impacts that extend beyond their own immediate borders. Plans that cannot satisfactorily demonstrate this must be declared unsound since it is not possible for an Inspector to make a modification that would address this shortcoming. The Council will also need to demonstrate that it has had met the requirements of S110(2) and engaged "constructively, actively and on an ongoing basis" with other neighbouring Councils. Any cross boundary issues that emerge in the following months will be dealt with accordingly in the course of this process.
- 3.6 Each of the appendices to this report set out the strategic options under the thematic chapters used for the Core Strategy Issues consultation. The Living in Bromley paper looks at Areas of Renewal; the Housing and Gypsy and Travellers papers that also form part of this chapter were discussed at the last DCC meeting. All these themes and issues will be included in the consultation of the Options and Preferred Strategy.

Proposed Consultation on draft Local Plan Preferred Strategy and Options

- 3.7 The proposal for the Options and Preferred Strategy document is to follow the approach to consultation adopted last summer for the Core Strategy Issues Document. Consultation is

proposed for a 6-week period. However, if the principle of this approach is agreed then an update on the Council's approach and timetable will be published on the Council's website. This advance notice will enable organisations and groups to request presentations or meetings with officers in advance to aid consultation and feedback.

3.8.1 Consultation on the CSID was extended to 12 weeks as it ran across the summer period. The timing of this consultation avoids the holiday period and therefore six weeks is considered sufficient. The main means of consultation will be the Council's website with the continued use of the specially tailored consultation portal. Reliance on the Council's website again places a greater importance on raising awareness among residents and the wider community of the opportunity to comment. This will involve:

- Press releases and articles in the local papers and community newsletters;
- Inclusion in 'Update' circulated to all Bromley residents associations,
- Posters and flyers places in Council offices (including the Civic Centre, Mottingham and Outreach Centres and libraries), leisure centres and health centres,
- Article and a link to the webpage in the Council's business bulletin sent to over 2500 businesses,
- Article and link to the webpage in Community Links Bromley e-bulletin to over 500 voluntary and community organisations, and
- Emails to all those on the planning databases advising of the consultation details.

Planning Obligations and a Local Community Infrastructure Levy

3.9 The LDFAP, Development Control Committee and the Executive have all received reports on planning obligations and the Government's legislation and regulations for authorities wishing to charge a Community Infrastructure Levy's as well as the London position with the Mayoral CIIL and Bromley's role as collecting authority.

3.10 The Council adopted its Supplementary Planning Document 'Planning Obligations' relatively recently, (Dec 2010). This has been amended in light of the change to the Government's definition of affordable rent and further revisions with regard to references to previous government policy will be needed to be including the restrictions to 'pooling' Section 106 contributions from April 2014. However, the document remains fit for purpose and the policy proposed for the Bromley Local Plan is to continue with this adopted approach.

4. POLICY IMPLICATIONS

The options and preferred options will be incorporated into the Local Plan consultation. Once Local Plan is adopted planning law requires that applications for planning permission must be determined in accordance with the Development Plan (which includes the Local Plan).

Non-Applicable Sections:	Financial Implications, Personnel Implications and Legal Implications
Background Documents: (Access via Contact Officer)	