DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 28 February 2013

Present:

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, Richard Scoates and Harry Stranger

Also Present:

Councillors Nicholas Bennett J.P., Will Harmer, David Jefferys, Charles Joel and Diane Smith

41 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Papworth.

42 DECLARATIONS OF INTEREST

There were no declarations of interest.

43 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 29 JANUARY 2013

RESOLVED that the Minutes of the meeting held on 29 January 2013 be confirmed and signed as a true record.

44 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

45 PLANNING REPORTS

45.1 1 WESTMORELAND ROAD, BROMLEY

Members considered the following planning application report:-

Item No.	Ward	Description of Application
5.1 (page 9)	Bromley Town	(12/02385/OUT) - Demolition of existing building and erection of a 4 to 11 storey building comprising a 110 bedroom hotel (Class C1, 49 residential units (Class C3) and 592 sqm retail use (Class A1-A5) with associated landscaping, servicing, 41 car parking spaces and bicycle parking OUTLINE ADDITIONAL PLANS RECEIVED.

Oral representations were received from the applicant's agent, Mr Robert Clarke. Mr Clarke submitted the following points in support of the application:

- The scheme conformed with parking standard requirements.
- No objections to the application had been received from the Highways Authority.
- The applicant was disappointed with the planning officers' recommendation to refuse the application and appalled at the reasons given for refusal.
- Information requested from the Council had not been received until 48 hours prior to this meeting.
- The DTZ Retail and Office Study (2012) had been released only 24 hours prior to this meeting.
- The date of the application report preceded that of the advice given by planning officers.
- The reasons for refusal, as set out in the report, would be unlikely to withstand scrutiny.
- Based on the information contained within the briefing note circulated to Members, the application should not be refused.
- With regard to the impact on the view of Keston Ridge from the town centre, the application report contradicts itself; Keston Ridge would remain visible from Bromley High Street.

Councillor Michael questioned how the development of a low budget hotel could overcome the Council's policies regarding affordable housing. Mr Clarke responded that the need for a hotel was in direct response to site specific policy and the residential element of the application would subsidise the hotel. There was no flexibility within the current finance package for a Section 106 element.

Oral representations were also received from local resident Mr Zameel Syed. Mr Syed submitted the following points in objection to the application:-

- The height of the design was taller than the existing building.
- The proposal was out-of-character with the surrounding area.
- As one hotel had already been permitted on an adjacent site, there was no requirement for a second.

- Residents in Pinewood Road and Sandford Road would suffer a loss of privacy.

- Residents living to the rear of the development would suffer a loss of natural light.

- The proposal would have a negative impact on road safety, particularly as there were two schools in the immediate vicinity. There would also be an increase in traffic and parking issues.

- The development would have an environmental impact on the area with regard to noise, drainage, waste collection and removal of trees.

Mr Syed urged Members to take into account the needs of the local community when considering the application.

In reply to a question from Councillor Dykes, Mr Syed reported that the only time the applicant had engaged with local residents was during an open evening. E-mails sent to the applicant had remained unanswered.

Officers informed Members that as a result of further consultation, an additional 11 letters of objection had been received, most of which iterated objections already reported.

Subsequent to a site visit on 21 February, officers had received two requests for information from the applicant and some officer comments had been provided in response.

Ward Member Councillor Dykes and her Ward Member colleagues had engaged with local residents. She commented that although the Town Centre Area Action Plan identified the site as land suitable for a tall building, the proposal raised the following planning issues.

- The view of Keston Ridge (as identified in the Development Plan) would be compromised.

- The view of St Mark's Church Tower would be adversely affected.

- The proposal would result in an intensification of car parking.

- The visual amenity of Bromley High Street would be compromised.

Councillor Dykes commented that this was a premium site for office space and should be utilised as such. Councillor Dykes moved that the application be refused.

The Chairman stated that the principle for redevelopment was set within the Area Action Plan which maintained that the site should provide replacement of existing office space, an element which the present application did not

contain. Councillor Dean seconded the motion for refusal on the grounds set out within the planning report.

Councillor Ince queried the robustness of the financial viability assessment as he preferred to see affordable housing incorporated within the proposed 49 flats. The Deputy Chief Planner reported that the assessment had been undertaken by an independent consultant and the evidence therein could be relied upon.

Councillor Bosshard stated that as the cost to the Council for providing bed and breakfast was significantly high, the erection of a hotel would not compensate for the lack of affordable housing. Councillor Bosshard also commented that the provision of 40 car parking spaces was insufficient; there should be at least 70-80 available spaces. As a result, there would be an overspill of parking into the surrounding area. This was a prime opportunity to redevelop the site to provide office space, a much needed element within Bromley Town Centre.

Councillor Michael commented that the site was a gateway into the town centre and development of office space as identified in the Area Action Plan would attract companies and workers into the Borough and thereby promote economic growth.

Councillor Fawthrop stated there could never be enough parking spaces in the Borough. Sufficient parking was an important element of a vibrant town centre. Councillor Fawthrop also sought clarification of Mr Clarke's statement that the requested reasons for the objections to the hotel had been received just 48 hours prior to this meeting. The Deputy Chief Planner responded that all issues relevant to the application were conveyed to the applicant at the pre-application stage of the planning process, including the issue around replacement of office floorspace. The onus was on the applicant to decide how much detail they wanted to submit. Issues represented in the report were indicated to the applicant prior to an informal presentation in February.

RESOLVED that PERMISSION BE REFUSED as recommended, for the following reasons:-

1 **The proposed development is not acceptable, by reason of the absence of a robust and well evidenced Financial Viability Statement, resulting in failure to meet the requirements for the provison of S106 contributions for the purposes of affordable housing, education and health contrary to Policies IMP1 and H2 of the Unitary Development Plan and the Supplementary Planning Guidance relating to Planning Obligations and Housing and Policies 8.2 and 3.12 of the London Plan.**

2. **In the absence of a robust and well evidenced appraisal of the office market in Bromley, the proposal is unaccpetable, by reason of the lack of suitable replacement office development, contrary to Policies BTC 5 and OSL of the Bromley Town Centre Area Action Plan.**

3. **The indicative proposal, by reason of its scale and height, would detrimentally impact on protected long distance views of the Keston Ridge contrary to Policies BTC 19 and OSL of the Bromley Town Centre Area Action Plan and Policies BE17 and 18 of the Bromley Unitary Development Plan.**

It was FURTHER RESOLVED that refusal of the application was subject to a possible direction of the Mayor of London in accordance with the powers under the Town and Country Planning (Mayor of London) Order 2008.

45.2 LAND AT SOUTH SIDE OF RINGERS ROAD

Members considered the following planning application report:-

Item No.	Ward	Description of Application
5.2 (page 29)	Bromley Town	(12/03088/FULL1) - Erection of 1x11 storey (plus upper basement) and 1x9 storey (plus lower and upper basement) building comprising 148 flats (48x1 bedroom and 100x2 bedroom), 460 sqm commercial unit (Class A3/A4), 77 car parking spaces, cycle parking, refuse and recycling stores, ancillary works including plant and equipment on ground floor and roof, together with vehicular access to Ravensbourne Road and Ringers Road and associated landscaping.

Oral representations were received from Ms Debbie Aplin, Managing Director of Crest Nicholson Regeneration Ltd who submitted the following points in support of the application:-

- The planning officers' recommendation contained in the report caused surprise and disappointment.

- As reported on pages 33 and 34 of the report, no objections had been received from consultees.

- The proposal was in accordance with the objectives and policies of the Area Action Plan.

- Through consultation, local residents' views had been taken into consideration with regard to commercial use of the ground floor.

- If Members approved the application, the applicant would be willing to accept the Section 106 Agreement and conditions imposed at the time the extant permission was granted in 2008.

Councillor Mrs Manning asked Ms Aplin why the public access route was placed in a position contrary to that advised. In response, Ms Aplin said that Crest did not own the adjoining site at the point advised by the Council. Using their experience, Crest had looked at the most practical place to position the access route and chose one which they thought complied with the Area Action Plan.

Councillor Fawthrop asked why the applicant had not built the development that was previously granted planning permission in January 2008. Ms Aplin responded that the site was bought through a former section of the Crest Nicholson company which had since suffered financial difficulties. Ms Aplin managed a separate section of the company and specialised in partnering local authorities to develop mixed use housing. She viewed the current proposal to be an improvement upon the application previously permitted.

It was reported that no issues had been raised with regard to the provision of affordable housing and no further comments had been received from the Greater London Authority.

Councillor Dykes commented that this was an important site for Bromley Town Centre. She raised concerns that the application conficted with the Area Action Plan, specifically in regard to the Churchill Theatre site and immediate surrounding area. Having visited the site and spoken to representatives, Councillor Dykes stated that the development would be out-of-character with the surrounding area, overdominant and harmful to the amenities of local residents due to the loss of natural light and the development would result in an impact on traffic and parking. Councillor Dykes moved that the application be refused.

The Chairman commented that the vision of the Area Action Plan was for the development of a bright and vibrant town centre. The application before Members did not lend itself to the objectives and aims of the Area Action Plan, particularly in respect to the provision of retail space, the height and bulk of the tower block and the design of the development. Councillor Dean suggested (and Members agreed), that should the application be refused, the second reason for refusal should be amended to incorporate ‘design’ as a contributing factor for refusal. Councillor Dean seconded the motion for refusal.

Councillor Ince was disappointed to note that as a result of the financial viability assessment, the provision for affordable housing was 10% lower than the 35% required by Council policy. The Deputy Chief Planner confirmed that an independent consultant had undertaken the financial viability assessment and the reasons given for the lower affordable housing provision were not deemed to be unreasonable.

Councillor Michael stated that the development would undermine the aims and objectives of the AAP in particular with the need to attract retail development to Bromley. The height of the development was taller than the

previous proposal granted in January 2008 and the design was unsuitable and bulky.

RESOLVED that PERMISSION BE REFUSED as recommended, for the following reasons:-

1 **The proposed development would conflict with the Area Action Plan objectives for opportunity Site G, particularly in terms of the delivery of retail floorspace, permeability, the phasing of comprehensive development and the creation of a secondary street through the tie and is thereby contrary to Policy OSG and Policy BTC 30 of the Bromley Town Centre Action Plan.**

2. **The proposed development, by reason of the design and excessive height and bulk of the blocks, would be unduly harmful to the character and appearance of the area and appear dominant and overbearing when viewed from nearby residential properties contrary to policy BE1 of the Unitary Development Plan and policy BTC17 of the Bromley Town Centre Area Action Plan.**

It was FURTHER RESOLVED that refusal of the application was subject to a possible direction of the Mayor of London in accordance with the powers under the Town and Country Planning (Mayor of London) Order 2008.

46 APPEALS BY CAPITAL SHOPPING CENTRES LTD (CSC) AGAINST THE COUNCIL'S DECISION TO REFUSE PLANNING AND LISTED BUILDING CONSENT FOR DEVELOPMENT AT QUEEN'S GARDENS, BROMLEY

Report DRR13/041

This report was deferred from the previous DCC meeting in January 2013.

In June 2012, Members refused an application for planning permission and an application for listed building consent to extend The Glades Shopping Centre. In January 2013, Members considered whether the ground of refusal relating to the impact on residential amenity should be defended at appeal. The report was subsequently deferred to this meeting to enable officers to undertake further analysis of new information received and for a complete copy of an appeal to be appended.

Councillor Mrs Manning was pleased to receive a complete copy of the Inspector's report and pointed out that the only residents in the vicinity were people living on the opposite side of Kentish Way. Councillor Mrs Manning moved that the ground for refusal be withdrawn.

Contrary to that stated in the report (page 49), Councillor Dykes was aware that objections to the development had been received from local residents.

In determining the application for the proposal, Councillor Michael had voted against permission but not on the grounds of loss of amenity to residents. Councillor Michael thought it prudent, therefore, to withdraw that reason for refusal.

The Planning Officer confirmed to Councillor Fawthrop that no objections concerning the loss of amenity had been received.

Councillor Mellor voted against the application because he believed residential amenity would be affected and the development would take place in a conservation area. He urged Members to bear in mind that the Abbaye application had not involved any construction work. This application, however was a new construction which constituted an overdevelopment. Councillor Mellor urged members to continue to maintain all grounds for refusal.

RESOLVED that the ground for refusal relating to the impact on residential amenity be withdrawn.

The meeting ended at 8.30 pm

Chairman