

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 21 November 2013

Present:

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

Also Present:

Councillors Michael Tickner

28 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Nicky Dykes.

29 DECLARATIONS OF INTEREST

Councillors Peter Fookes and John Ince declared a personal interest in Items 5.1, 5.2 and 5.3 as lapsed members of the Kent County Cricket Club (KCCC). Councillor Mrs Manning declared a personal interest in Items 5.1, 5.2 and 5.3 as her husband was a non-voting member of KCCC.

30 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 8 OCTOBER 2013

RESOLVED that the Minutes of the meeting held on 8 October 2013 be confirmed and signed as a correct record.

31 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

32 PLANNING REPORTS

Members considered the following three planning application reports collectively:-

Item No.	Ward	Description of Application
32.1 (page 11)	Copers Cope	(13/02555/DET) - Details of appearance, means of access, landscaping, layout and scale relating to the 48 detached houses pursuant to Condition 1 of outline permission ref. 11/02140/OUT (granted for 3 detached buildings for use as indoor cricket training centre/multi-function sports/leisure facility, health and fitness centre and conference centre. Spectator stand for 2000-3000 people. Car parking. All weather/floodlit pitches. 48 detached houses) AMENDED PLANS RECEIVED at Kent County Cricket Ground, Worsley Bridge Road, Beckenham.
32.2 (page 23)	Copers Cope	(13/02556/DET) - Details of appearance, means of access, landscaping, layout and scale relating to the cricket ground development pursuant to Condition 1 of outline permission ref. 11/02140/OUT (granted for 3 detached buildings for use as indoor cricket training centre/multi-function sports/leisure facility, health and fitness centre and conference centre. Spectator stand for 2000-3000 people. Car parking. All weather/floodlit pitches. 48 detached houses) at Kent County Cricket Ground, Worsley Bridge Road, Beckenham.
32.3 (page 33)	Copers Cope	(13/02711/DET) - Permanent spectator stand (capacity 2,048 seats) and associated landscaping including remodelling of earth mound at Kent County Cricket Ground, Worsley Bridge Road, Beckenham.

Oral representations in support of the applications were received from Mr Jamie Clifford, Chief Executive of Kent County Cricket Club (KCCC) and Mr Stuart Slatter (planning agent) as set out below:-.

Mr Clifford informed Members that he had been Chief Executive of KCCC for four years and had worked for the Club for nearly 12 years.

Worsley Bridge Road cricket ground had been vacant during the last year with only one member of staff to maintain the site. Despite great efforts, the

facilities currently offered had proved to be inadequate and this had prompted fears about the future viability of the site as a suitable home for Kent County Cricket Club. These fears were coupled with local concerns about site deterioration and vandalism.

The proposed development would vastly improve the current facilities and in light of the proposals, the Club had entered into a 20-year lease with The Leander Group to remain on site and enjoy first class cricket again from summer 2015.

The proposed development consisted of a range of sporting facilities that would be of huge advantage to the Borough.

The proposed indoor sports hall would accommodate a variety of different sports including netball, badminton and basketball as well as cricket. The outdoor multi-use games pitches would also permit tennis and football to be played. In addition, a sports medicine centre would be established to include physiotherapy and pilates. It was anticipated that a large number of local community groups and sports clubs would use all the facilities provided throughout the year.

In addition, the spectator stand would enable the Club to host regular high profile fixtures at the ground.

The facilities would be constructed to the highest specification and built using state of the art construction technologies to ensure they withstood increased demand.

Once operational it was anticipated that the site would employ up to approximately 20 full and part-time employees.

The enabling development at KCCC would breathe new life into the cricket ground and Beckenham as a whole. The new state-of-the-art sporting facilities would be available to the local community by late 2014 and would ensure that first class cricket returned to Beckenham.

Mr Slatter reported that the principle of development was established through the outline consent previously approved by the Committee. Since that time great efforts had been made with officers and immediate neighbours to bring forward a high quality and well considered development. Comments and concerns raised throughout the process had been responded to in a positive manner.

A metal mesh screen had been incorporated around the three new buildings as a climbing frame for plants and greenery adding interest and a soft green layer and texture to the façade. The mesh screen was designed to reflect the silhouette of Worsley Bridge Road, bridging the divide between the existing buildings and those proposed.

The residential proposals were brought forward by Linden Homes who were recently awarded Housebuilder and Sustainable Housebuilder of the Year Awards. The housing scheme comprised a traditional design and a palette of high quality materials. Best use of levels on site had been made to ensure that there was no detrimental impact on neighbours.

The proposals had prompted a significant amount of support. Copers Cope Area Residents Association and the Palgrave Estate fully supported the proposals and a total of 25 individual letters of support for the combined development had also been received.

In response to a question from Councillor Ince, Mr Clifford could not say specifically how much activity (other than cricket) would be generated if the development was granted permission. However, KCCC had signed a new 20 year lease to remain on the site and a concerted effort would be made to ensure regular provision of activities and fixtures. It was vitally important that members of the public used the facilities on a year round basis.

Councillor Bosshard questioned the strength of the applicant's business plan as he was concerned to note that since outline permission had been granted 18 months ago, staff at the Club had been reduced to just one person. Mr Clifford explained that as a developer could not be found, the decision had to be taken to reduce staff to the point where the Club was just functioning at a basic level. Following the reduction of staff, the Club's situation had suddenly improved when a viable project was found. It was anticipated that the new facilities such as the physiotherapy unit, would lead the Club to the point of viability and the profits would then underpin the remainder of the operation.

Mr Slatter confirmed that the 48 houses had been re-sited and the height of those backing onto Ashfield Close had been reduced.

Councillor Mellor referred to the proposed stand to accommodate 2-3,000 spectators and questioned the adequacy of car parking provision. Mr Clifford commented that over 200 spaces were available on site and that Beckenham also had the advantage of an excellent public transport system. The stand would be a permanent non-covered open construction comprising 14 rows.

The applicant had written to the Council in response to Sport England's objection to the spectator stand confirming that the application adhered to English Cricket Board standards. The relocation of the stand resulted in a reduction of footprint and brought it further from the boundary of the land area.

Councillor Manning referred to the change of layout for the housing scheme which resulted in a loss of open aspect for residents in Worsley Bridge Road. Mr Slatter reported that the south western corner had required detailed consideration. There were no residential properties immediately to the south but the eastern end of the scheme would leave an open aspect for neighbours living close by.

Although Ward Member for Copers Cope, Councillor Mellor said he accepted without question that the applications before Members were for consideration of details only, he did report that a further objection had been raised by a resident who was concerned that the overall land area had been reduced since outline permission had been granted.

Referring to application 5.1, Councillor Mellor could find no reason to refuse the application on planning merits. The standard of housing was good and the impact on metropolitan open land had been investigated and approved. He therefore moved that permission be granted as recommended with the addition of a further condition to ensure that the two trees removed from Worsley Bridge Road be replaced.

In relation to application 5.2, Councillor Mellor raised some concern in regard to car parking for 2-3000 people. Part of Worsley Bridge Road was situated in a controlled parking zone and a large influx of cars may cause conflict with residents and create disturbance. Trusting that the applicants would deal appropriately with car parking issues, Councillor Mellor moved that permission be granted.

Accepting assurances from the applicant that the stand was designed to reap profits for the good of the community and the Borough, Councillor Mellor moved that permission be granted for application 5.3.

Councillor Arthur commented on the importance of KCCC to the Borough. He did not consider car parking to be an issue as provision was available elsewhere and public transport was good. The applicant had listened to concerns of residents and responded positively to them. Councillor Arthur second the motions to grant permission on all three applications. Councillor Mrs Manning agreed with Councillor Arthur and wished the Club well. KCCC came under the auspices of the England Cricket Board and as a result of the development, she hoped more cricket matches would be directed to the ground.

The Chief Planner confirmed to Councillors Buttinger and Jackson that the net impact on the MOL (if indeed there was any), arising from the re-siting of the spectator stand, would be minimal.

Councillor Joel suggested that the recommendation for application 5.1 include a condition that certain windows in dwellings at plots 35 and 36 and the first floor window in the eastern elevation of the dwelling at plot 36 be obscure glazed and non-opening unless the parts that could be opened were more than 1.7 metres above internal floor level.

Councillor Ince requested that the landscaping scheme include shrubs and trees around the perimeter of the stand to reduce its impact on MOL.

Following individual votes for all three applications, Members made the following recommendations:-

Application 5.1

RESOLVED that PERMISSION BE GRANTED as recommended, subject to the conditions set out in the report with Condition 1 amended to read:-

'1 Before the development hereby permitted is first occupied, the proposed stairwell windows in the dwellings at plots 35 and 36 and the first floor window in the eastern elevation of the dwelling at plot 36 shall be obscure glazed and non-opening unless the parts that can be opened are more than 1.7 metres above internal floor level in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such. Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.'

A further condition was also added as follows:-

4 The two trees to Worsley Bridge Road that are to be felled in order to implement the development hereby permitted, shall be replaced by trees of a size and species to be agreed in writing by the Local Planning Authority and in such positions as shall be agreed by the Authority in the first planting season following completion of the development. Any trees which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.

Reason: In order to comply with Policy nE8 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

Application 5.2

RESOLVED that PERMISSION BE GRANTED as recommended, subject to the conditions set out in the report.

Application 5.3

RESOLVED that PERMISSION BE GRANTED SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT as recommended and subject to the conditions set out in the report with Condition 2 amended to read:-

'2 Details of a scheme of landscaping which shall include the materials of paved areas and other hard surfaces and the introduction of a planting screen to Copers Cope Road, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme 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 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.'

Members considered the following planning application report:-

Item No.	Ward	Description of Application
32.4 (page 41)	Copers Cope	(13/001973/FULL1) - Erection of five storey building comprising 74 residential units; A1 retail; A3 café/restaurant and a D1 creche in place of Block A03 forming part of the approved planning permission 09/01664 for the redevelopment of the Dylon site at Dylon International Ltd, Worsley Bridge Road, London SE26 5BE.

Oral representations in support of the application were received from Mr Chris Francis (agent) as follows:-

The redevelopment of the site with a residential led scheme was established as acceptable by the grant of permission on appeal.

The provision of 74 residential units would contribute to the identified housing need in the borough and across London in accordance with the minimum housing supply targets set by the Mayor. 20 flats would be covenanted to be held for a minimum period of 15 years as private sector rented initiative units, in line with the Government's drive to encourage more privately rented housing.

The report submitted with the current application showed that despite extensive marketing, no interest had been shown in the proposed office floor space.

The report also concluded that there was an oversupply of available office space within Bromley and Lewisham and no viable demand for such office accommodation in this part of the borough in terms of the reality of local and London wide contexts and that this was not going to change even with any general improvement in the economy.

In August 2013, officers advised that the applicant appeared to have met Policy EMP3 criteria however, this was not mentioned in the report. The provisions of the NPPF indicate that as the original permission had been implemented, favourable consideration should be given to the current application. The NPPF stated that where proven necessary, employment land should be protected. It also stated that planning policies should avoid the

long-term protection of sites allocated for employment use where there was no reasonable prospect of a site being used for that purpose.

The viability appraisal submitted with the application showed that if a normal accepted level of developer profit was sought, the scheme would not be viable. It concluded that the proposal could not provide any additional funding for affordable housing either on or off site. Although not within the precept of normally accepted viability, the applicant was prepared to make a financial contribution of £400,000 to meet the CIL requirement with the balance going towards local education provision.

The proposal was in full accordance with the objectives of the NPPF and the provisions of all relevant policies in the London Plan and Bromley's UDP.

In response to a question from Councillor Fookes, Mr Francis confirmed that the current market rent would be charged on the 20 covenanted flats.

Negotiations to contribute £80,000 towards the provision of off-site affordable housing had taken place.

Councillor Jackson asked Mr Francis if the applicant intended to carry out the extant permission to provide offices if the current application was refused. In response, Mr Francis said that negotiations were continuing in this respect and would depend upon viability.

Similarly, affordable housing could not be provided due to viability issues.

Councillor Fawthrop questioned why office accommodation had previously been offered but was now considered to be unviable. Mr Francis stated that the proposed office space had been based around good transport links and a satellite project with offices in Canary Wharf which had not materialised. The offices would have been funded from profits made on the residential accommodation.

Ward Member Councillor Mellor accepted that the previous application had been permitted on appeal but questioned the economics of the costings which did not add up. The Planning Inspector said there was no reason to suggest that offices would not be occupied which meant there would be a demand for office and industrial use. Mr Francis replied that the application was based on evidence at that time which suggested that there was a considerable oversupply of office space which differed greatly to the situation in 2008/9. Currently, there was no likelihood of any company coming forward to occupy the whole building.

Councillor Mellor informed Members that having considered the report which covered all aspects of the proposal, he had serious concerns about the application. For this reason, he moved that the appeal be contested.

Councillor Michael seconded the motion on the grounds set out in the report and suggested that ground number 2 be amended to reflect the loss of office

space. She requested that the words "unacceptable loss of employment land" be incorporated. As ground 2 was the most important reason for contesting the appeal, Councillor Michael asked that grounds 1 and 2 be transposed.

Councillor Bosshard emphasised the need to supply and retain employment land as the Government was putting more pressure on the Council to develop office space.

In response to Councillor Joel's query as to why the application was not determined within the normal 13 week period, the Chief Planner explained that consultations had been on-going to find common ground in relation to the financial contribution offered. This had not been finalised by the 13 week deadline at which point the applicant immediately submitted an appeal.

Councillor Fawthrop requested that the grounds for contesting the appeal be amended to reflect further the London Plan.

RESOLVED that THE APPEAL BE CONTESTED as recommended, on the following grounds:-

1 The site is located in a business area in the Unitary Development Plan and the proposal would result in an unacceptable loss of employment land and would be contrary to London Plan policies 4.1 and 4.4 and Policy EMP4 of the Unitary Development Plan as it does not provide Use Class B1, B2 or B8 floorspace and furthermore there is insufficient evidence to demonstrate that this cannot be provided.

2 The proposal would give rise to a requirement for affordable housing and a financial contribution towards education provision. inadequate evidence has been submitted to demonstrate that the development cannot support affordable housing provision and a sufficient healthcare and education infrastructure contribution contrary to Policies H2 and IMP1 of the Unitary Development Plan and Policy 8.2 of the London Plan.

33 BECKENHAM CONSERVATION AREAS

Report DRR13/142

At the request of the Beckenham and West Wickham Working Group, Members considered the possibility of conjoining all existing conservation areas in Beckenham to form one single Beckenham Conservation Area.

Although Councillor Mellor agreed in principle with the review, he could not support it on the basis that if extended, the conjoined conservation areas were likely to include certain sections which lacked sufficient architectural and historical interest which would seriously undermine the ethos of conservation areas. Councillor Mellor therefore moved not to support the recommendation. Councillor Michael agreed and seconded the motion.

Councillor Jackson took a contrary view and commented that conservation areas recognised the spatial standards of building lines and reflected the general feel of an area. The areas under consideration held uniformity and the relationship between them supported the grounds for merging together. For this reason, Councillor Jackson proposed that Members agree to the alterations to the Beckenham Conservation Areas.

Councillor Tickner, Ward Member and Chairman of the Beckenham and West Wickham Working Party, informed the Committee that as there were no legal constraints, it was entirely up to the Council to decide which parts of the Borough were designated as conservation areas. Currently, Beckenham consisted of disjointed conservation areas which could be merged to form one entire area including the High Street. If this was not done, it was possible that inappropriate developments could be constructed in the areas located between the individual conservation areas.

Whilst Councillor Fawthrop agreed with the recommendation, he requested that the words 'as a minimum' be added to the end of the sentence relating to the consultation on a smaller High Street conservation area.

RESOLVED that:-

- 1) Members did not support the proposed alterations to the Beckenham conservation areas; and**
- 2) consultation on a smaller High Street conservation area as a minimum be endorsed.**

The meeting ended at 8.55 pm

Chairman