

## DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 10 April 2014

### Present:

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

### 42 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Douglas Auld.

### 43 DECLARATIONS OF INTEREST

No declarations of interest were received.

### 44 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 7 JANUARY 2014

**RESOLVED** that the Minutes of the meeting held on 7 January 2014 be confirmed and signed as a correct record.

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

No questions were received.

### 46 PLANNING REPORTS

Members considered the following planning application report:-

Item No.	Ward	Description of Application
46a (page 13)	Crystal Palace	(14/00452/FULL1) - Demolition of existing buildings and redevelopment of The Haven and Rookstone site comprising two to four storey buildings to provide 107 residential units (25 four bed houses and 19 three bed, 33 two bed and 30 one bed flats) with 135 car parking spaces, landscaping and associated works <b>at The Haven, Springfield Road, Sydenham, London SE26.</b>

Oral representations in support of the application were received from Mr Simon Chadwick, Managing Director of Signet Planning. Mr Chadwick submitted the following points:-

During recent correspondence, deferral of the application had been requested due to the very late objections submitted by the Tree Officer which resulted in a change to the recommendation. It would, therefore, be reasonable for Members to grant a deferral.

The application was submitted in February and was the subject of significant pre-application discussion, part of which focussed on trees located at the site. Meetings with the Council's Tree Officer were sought on numerous occasions (before and after pre-submission) to discuss concerns raised. Despite no meeting being offered, all other matters relevant to the application had been resolved through planning officers, including an amendment to the internal layout of the scheme to address concerns of the Housing Officer. All other internal consultees (including highways and flood risk), were satisfied with the scheme. The applicant responded to relevant consultation responses and dealt with matters to the satisfaction of consultees.

It was understood that up until the end of March, planning officers had been satisfied with the application and were going to recommend approval. However, on 31 March, the applicant was informed that the recommendation had been changed following receipt of comments from the Tree Officer,.

Concerns raised by the Tree Officer could be overcome mainly by the imposition of conditions, i.e. by ensuring trees were protected during construction however, as a number of points were incorrect, the applicant would be willing to discuss and clarify these. Rather than the Council pursue a refusal on the basis of what appeared to be erroneous assumptions about the scheme, it would be in the Council's interest and the applicant's, to defer a decision in order that matters could be resolved in the same way as concerns raised by the Housing Officer.

On behalf of the applicant, Mr Chadwick formally requested that Members defer the application due to the lateness of objections from the Tree Officer and, more importantly, because the concerns raised could be resolved.

Oral representations in objection to the application were received from Ms Hazel Anderson on behalf of local residents, the wider community and organisations including The Sydenham Society, St Christophers Hospice and The Sydenham Tennis Club. Ms Anderson submitted the following points:-

The proposed scheme constituted an over-development of the site. The quality of the application was poor, submitted plans were inaccurate and artists impressions were misleading. There had also been a distinct lack of engagement by the applicant who had failed to carry out adequate consultation.

The proposed development would stand twice as high as surrounding buildings and would cause overshadowing. The inclusion of balconies and roof terraces would lead to a serious loss of privacy.

The density and style of building was wholly inappropriate for its location which was characterised largely by two-storey homes. The enclosed suburban site was too small to define its own character and any development would need to respect and complement the surrounding area.

The scheme had been designed close to the maximum permitted density for the site and stood at minimal distance from existing residences. It consisted of an unusually high level of built development and hardstanding. The allocation of 135 car parking spaces at the site were symptomatic of the over-intense approach.

The height and massing of the development would be out of scale with the form and layout of its surroundings, would detract from the existing street scene on all sides and would be clearly visible above trees from Crystal Palace Park. Even though many mature trees had already been removed from the site it would be necessary to clear further TPO protected trees.

The proposals would result in a large increase of people to the locality. Additional cars would cause parking and traffic safety issues along Springfield Road and Lawrie Park Crescent and would affect the ability of Tennis Club members, Hospice staff and visitors to park safely in the vicinity of these amenities.

Whilst the requirement for more housing in Bromley was acknowledged and the need to redevelop the site was understood, this should be at a scale that did not harm the amenity of residents and a scheme that respected the character of the area.

Ms Anderson therefore requested that Members endorse the Planning Officer's recommendation to refuse the report.

In response to questions from Councillor Papworth, Ms Anderson described the neighbourhood as a leafy area surrounded by wider streets with large detached houses, large gardens and a quiet street scene. The area was not densely populated. Parking was often problematic during the day due to the number of visitors to the Tennis Club and Hospice.

The level of engagement undertaken by the applicant was minimal with only one open consultation session lasting 1½ hours being held. A leaflet had been distributed to residents and having e-mailed the address allocated for submitting queries, Ms Anderson had received an inadequate and unhelpful response.

The Chief Planner reported that further correspondence from the agent and objections from local residents had been received, both of which reiterated

points previously made. He also informed Members that the site measured a total of 1.4 hectares as opposed to 0.78 as set out in the first bullet-point under the heading 'Location' on page 16.

Ward Member Councillor Papworth would have supported deferral of the application if the only concerns raised had been those of the Tree Officer,. Whilst many residents had no objection to the site being developed, they considered that the existing proposal was not in keeping with the general character of the area. The remaining trees on site should be protected. Referring to the recommendation in the report, Councillor Papworth suggested the inclusion of further reasons to refuse the application as follows:-

1. The proposal was a substantial over-development of a leafy, quiet and sparsely populated suburban site.
2. The proposed buildings were bulky by nature and the local buildings of the same scale referred to in the report were some distance away.
3. The development consisting of long blocks linked together, would be out of character with the suburban area. Nos. 36, 38 and 46 Crystal Palace Park Road would be overlooked by 4-storey buildings resulting in a lack of privacy and there would be no access to the boundary wall at No. 38. The development would also have a major impact on the residents of No. 15 Lawrie Park Crescent.
4. The proposed number of parking spaces was inadequate.

Councillor Papworth moved that the application be refused for the reasons given above, together with the reasons outlined in the report.

Councillor Jackson seconded the motion for refusal stating that the volume of the proposed buildings and the height of the 4-storey blocks was astonishing. It would prove difficult for drivers to navigate the surrounding roads to properties. An increase in parking would impact on neighbouring properties and the surrounding area. Councillor Jackson considered the site would benefit from some kind of development however, the current proposal was too flawed.

Councillor Michael considered the site to be highly developable but agreed that the existing proposal would be an over-development of the site and would not be capable of sustaining all the proposed flats and houses without impacting on the surrounding properties. There would be a large amount of bulk and massing of properties. The proposed play area was located too close to the gates and would be awkward to get to. Councillor Michael supported refusal as outlined by Councillor Papworth.

Referring to parking issues, Councillor Fawthrop calculated that the proposed number of dwellings would require a minimum of 200 car parking spaces and this would have a major impact on neighbours.

Councillor Mellor stated that if Members determined to refuse the application, an appeal against the decision could be submitted. With this in mind, he requested that the reasons for refusal be significantly enhanced.

Councillor Fookes considered that affordable houses should also be provided.

**RESOLVED that the application be REFUSED as recommended, for the reasons set out in the report with the addition of a further 4 reasons to read:-**

- 3. The proposed development, by reason of the amount of site coverage with buildings and hard surfaces, constitutes a cramped overdevelopment of the site at an excessive residential density contrary to Policy H7 of the Unitary Development Plan and Policy 3.4 of the London Plan.**
- 4. The proposed development, by reason of its design and layout, would be seriously out of character and scale with the surrounding area contrary to Policy BE1 of the Unitary Development Plan and Policy 7.4 of the London Plan.**
- 5. The proposed development would be seriously detrimental to the residential amenities currently enjoyed by the occupants of adjacent dwellings by reason of loss of privacy from overlooking and smells from the bin stores contrary to Policy BE1 of the Unitary Development Plan.**
- 6. The proposed development will lead to increased demand for on-street car parking in surrounding roads contrary to Policies BE1 and T18 of the Unitary Development Plan.**

Members considered the following planning application report:-

<b>Item No.</b>	<b>Ward</b>	<b>Description of Application</b>
46b (page 29)	Hayes and Coney Hall	(13/04054/FULL1) - Part demolition of Hayes Court (Grade II listed) and detached outbuildings on site. Change of use and restoration of part of Hayes Court to accommodate 8 apartments (1 one bedroom and 7 two bedroom) and erection of 16 detached and mews style houses (1 x three bedroom, 8 x four bedroom and 7 x five bedroom) with associated communal and

		allocated car parking and landscaping including refuse/recycling store and cycle store <b>at Hayes Court, West Common Road, Hayes, Bromley.</b>
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Oral representations in support of the application were received from Mr Will Edmonds, a partner in Montagu Evans LLP who informed Members that an 18-month consultation period had been undertaken with Councillors, officers and the local community which had resulted in very significant changes being made to the scheme.

Following the public consultation event which was attended by over 50 local residents, there had been overwhelming support for the development in terms of the restoration of the listed building, the proposed design of new residential units and the high quality landscaping scheme. Only three objections had been raised by local residents, all of which focussed solely on traffic-related concerns. No objections had been raised by Highways Officers.

Mr Edmonds considered the recommended grounds for refusal were not sustainable for the following reasons:-

1. The reasons relating to ecology and impact on trees were misinformed and capable of resolution through the imposition of planning conditions.
2. In terms of overdevelopment and the perceived suburbanisation, the scale and siting of the development had been carefully designed to ensure its open nature was protected and enhanced. Importantly, the quantum of development was the minimum necessary to ensure the scheme was viable, a fact confirmed by the Council's independent viability consultants as the officer's report confirmed.
3. In the opinion of the client's Heritage Advisor, the scheme would not harm heritage assets. The alternative view presented by Council officers confirms that the harm was 'less than substantial'. Having reached this important conclusion, it would appear that the report was deficient in undertaking a properly balanced judgement on whether the perceived harm would be outweighed by public benefit despite this being a core requirement of national planning policy.

The decision for Members to make was quite simply whether any perceived harm was outweighed by the overriding planning and public benefits which included:-

- the restoration of the listed building to its original residential use;
- the demolition of inappropriate and unsympathetic extensions to the listed building, enhancing its setting;

- the removal of over 44% of the hard surfacing across the site and replacement with high quality landscaping;
- the creation of new public access through the site to the common land;
- the delivery of 24 high quality new homes; and
- a financial contribution of £275,000 towards affordable housing plus over £300,000 of other Section 106 contributions.

Mr Edmonds respectfully requested that Members overturn the officer recommendation and approve the application. If this was not possible, he urged that the application be deferred in order that further information could be provided so Members could make a properly informed decision.

Councillor Fookes asked why no affordable housing had been proposed. Mr Edmonds responded that a full viability assessment had been undertaken and this indicated that the inclusion of affordable housing would not be viable however, a sum of £275k would be offered as payment in lieu of this.

Mr Edmonds confirmed to Councillor Mrs Manning that the proposed pathway would enable the general public to gain access from West Common Road through to the common and the listed building.

Councillor Buttinger asked what value was forecast in regard to movement of the proposed houses. Mr Edmonds responded that values would be agreed as justifiable in the marketplace.

The Chief Planner commented that the Tree Officer's report expanded on comments already contained in the planning report.

Ward Member Councillor Mrs Manning made the following points:-

- This was a very important site, classed as Urban Open Space with an important Grade II Listed Building and surrounded by Green Belt.
- The prospect of all union associated buildings being removed (their removal being a major element of the proposal) was most welcome as was the plan to repair/restore the Listed Building and bring it back into an acceptable use. To achieve this however, and as to be expected, new enabling development was being sought, and it was the manner in which the latter was to be achieved that had given rise to the strong recommendation for refusal.
- Members had received letters requesting a deferral, rather than endorsing the Chief Planner's recommendation. Whilst this may be possible, Councillor Mrs Manning sensed that the necessary changes to the application could be too substantial for a deferral to be appropriate.

- The site and its layout did not make any redevelopment scheme straightforward.
- The House, its driveway and general layout of its grounds remain much as laid out in the mid 1700s, despite the many additions and changes made later, which were, by and large, confined to one corner. It was this initial layout over some two thirds of the site which required protection.
- Whilst the applicant was making good use of much of the area developed over the past 100 years or so, areas of the site not previously affected by built structures were proposed for change. Councillor Mrs Manning shared some of the concerns, but wondered whether those relating to suburbanisation could be overcome by taking a fresh look at the designs of the 6 houses, which in turn could address their proposed positions. The 6 large detached houses were in two groups, one of 4 houses to the west and 2 houses to the east. At least half of those houses would stand forward of Hayes Court, thus stepping into the garden setting. The proposed high wall around the car parking area for the flats and their service, could also impinge on this setting.
- Returning the principal drive to Hayes Court back into use was very welcome. However, this would be the main drive, serving 8 flats in Hayes Court, their car parking and service areas as well serving 6 houses, including 4 to the west of the main houses, access to the latter being entirely across the forecourt of Hayes Court itself. This activity would be seen clearly from the main house and a substantial part of the gardens.
- Whilst the applicant had already addressed earlier concerns about the impact of these houses, they needed to be looked at again and, to help move things forward, Councillor Mrs Manning proposed that the application be deferred.

Ward Member Councillor Arthur had visited the site and was disappointed to note the condition of the building. Whilst the site had previously been marketed for office use without success, it could be developed for residential use. The applicant had consulted widely and a consultation day had been well-attended. Whilst the reasons for refusal set out in the report held some validity, they could be addressed and improved. For this reason, Councillor Arthur seconded the motion to defer the application.

Councillor Fawthrop had a reasonable knowledge of the area concerned and agreed that the proposed scheme was not suitable for the site. He suggested that the applicant look at a similar development which was granted for Holwood House as this had not exceeded its existing footprint. It was important for the site to be brought back into use. Councillor Fawthrop moved that the application be refused.



Councillor Buttinger seconded the motion to refuse the application and stated that the changes required were too significant to warrant deferral. She also stated that the viability of the site could be addressed by the removal of units.

Whilst Councillor Michael understood Ward Members' desire to see the house refurbished, she considered the proposal to be an over-development of what was an environmentally sensitive site on urban open space. Essentially, the development would have the same impact here as on green belt and metropolitan open land. Councillor Michael seconded the motion to refuse the application and was in favour of a smaller scheme being proposed.

A vote in favour of deferral fell at 2-9.

**Following a subsequent vote, Members RESOLVED that the application be REFUSED for the reasons and informative set out in the report with reason 5 amended to read:-**

**'5 The proposal would bring built development into closer proximity to the group of off-site trees to the south, west and east of the site and would result in post-development pressure for further works to the trees that may impact on their long-term health, thereby contrary to Policy NE7 of the Unitary Development Plan.'**

Members considered the following planning application report:-

Item No.	Ward	Description of Application
46c (page 47)	Hayes and Coney Hall	(13/04055/LBC) - Part demolition of Hayes Court and detached outbuildings at site <b>LISTED BUILDING CONSENT at Hayes Court, West Common Road, Hayes, Bromley.</b>

The Chairman moved that the application be refused. This was seconded by Councillor Michael.

**RESOLVED that listed building consent be REFUSED for the reason set out in the report.**

#### **47 SHOP FRONT GUIDANCE**

##### **Report DRR14/046**

Members considered a draft Shopfront Design Guide for Chislehurst High Street, produced by the Chislehurst Town Team and supported by the Chislehurst Society. It was anticipated that the Guide would provide a framework for existing and new owners to deliver a sensitive approach to shop front design and signage and protect buildings from insensitive change over time.

Members considered adopting the Guide as a basis for consultation on a borough wide shopfront Design Guide to be produced by the Council as part of the current Local Plan review.

The Chairman outlined the report and commended the Chislehurst Town Team for producing an excellent report.

Councillor Boughey echoed the Chairman's commendation. She reported that the Chislehurst Town Team in conjunction with the Chislehurst Society had spent a great deal of time and effort in producing the document as could be seen in the completed article. Whilst the report could not be included in the London Plan, Councillor Boughey commended the document as a blueprint to be used as guidance for the local borough.

**RESOLVED that:-**

- 1) the content of the Chislehurst High Street Shopfront Design Guide be noted; and**
- 2) the Chislehurst High Street Shopfront Design Guide be used as a basis for consultation on a borough wide Shopfront Design Guide to be produced by the Council as part of the current Local Plan review.**

**48            AUTHORITY MONITORING REPORT 2012/13**

**Report DRR14/045**

Members were requested to endorse Appendix 1 as the Council's Authority Monitoring Report (AMR) for 2012/13 which, as required under the Localism Act 2011 (Section 13), contained information on the plan making process, the progress and effectiveness of the Local Plan and the extent to which the planning policies set out in the Local Plan documents were being achieved.

The Chairman informed the meeting that the Council was required to publish monitoring reports on an annual basis. He was pleased to note that the Council was achieving the objectives set out in planning policies and was on track with development of The Local Plan.

Having enquired how climate change in Bromley was addressed (paragraph 3.3 on page 79 of the report), Councillor Ince was informed that this was achieved through the design of individual buildings.

Councillor Fawthrop was pleased to note that the number of homes built in the period 2012-2013 exceeded the London Plan target of 500 units.

**RESOLVED that Appendix 1 , in light of the Council's duty under the Localism Act 2011, be agreed as the Council's AMR for 2012/13.**

**49 REPORTS TO NOTE**

**49a COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATION  
2014 - UPDATE AND IMPACTS**

**DRR14/031**

Members considered the latest changes to the Community Infrastructure Levy (CIL) Regulation which came into effect on 24 February 2014.

Members were asked to contact the Planning Department with any queries.

**RESOLVED that the report be noted.**

**49b PLANNING APPEALS MONITORING REPORT (APRIL 2013 TO  
MARCH 2014)**

**Report DRR14/033**

Members were updated on planning appeals received and decided for the year 2013/2014.

Members were asked to contact the Planning Department with any queries.

**RESOLVED that the report be noted.**

**49c PLANNING APPEALS - COSTS 2013/2014**

**Report DRR14/032**

Members considered an update on the award of costs in planning appeals for the financial year 2013/2014.

Members were asked to contact the Planning Department with any queries.

**RESOLVED that the report be noted.**

**49d ENFORCEMENT MONITORING REPORT (JANUARY TO  
DECEMBER 2013)**

**Report DRR14/039**

Members were provided with an update of enforcement activity from January to December 2013.

Members were asked to contact the Planning Department with any queries.

**RESOLVED that the report be noted.**

**49e DELEGATED ENFORCEMENT ACTION  
(JANUARY TO MARCH 2014)**

**Report DRR14/037**

In accordance with agreed procedures, the report advised Members of enforcement action authorised under delegated authority for alleged breaches of planning control.

Members were asked to contact the Planning Department with any queries.

**RESOLVED that the report be noted.**

**50 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE  
LOCAL GOVERNMENT (ACCESS TO INFORMATION)  
(VARIATION) ORDER 2006 AND THE FREEDOM OF  
INFORMATION ACT 2000**

The Chairman moved that the Press and public be excluded during consideration of the item of business listed below as it was likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

**51 CONQUEST HOUSE, 25 ELMFIELD ROAD, BROMLEY BR1 1LT**

**Report DRR14/049**

Members considered whether or not to contest a planning appeal concerning the development site at Conquest House, 25 Elmfield Road, Bromley.

**Members RESOLVED to support the recommendations.**

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As this was the final meeting of the current Municipal Year, the Chairman thanked Members and officers for their continued support.

As this was also Councillor Mrs Manning's final meeting as a Member of the DCC, the Chairman specifically thanked her for all the support and much valued contributions she had given during her 16 years as a Councillor.

The meeting ended at 8.40 pm

Chairman