

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 8 October 2013

Present:

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

Also Present:

Councillors Will Harmer

21 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Katy Boughey, Simon Fawthrop and Tom Papworth.

22 DECLARATIONS OF INTEREST

In relation to item 6, Councillor Fookes declared he was a member of Bromley Labour Club, formerly located within the defined area for the Article 4 Direction. Although the Club had been sold he still remained a member.

23 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 12 SEPTEMBER 2013

RESOLVED that the Minutes of the meeting held on 12 September 2013 be confirmed and signed as a true record.

24 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

25 PLANNING REPORTS

Members considered the following planning application report:-

| Item No. | Ward | Description of Application |
|-------------------|-----------------|--|
| 25.1 (page 15) | Bromley Town | (13/02451/OUT) - Demolition of existing building and erection of a part 3/part 11 story building comprising 1518 sqm Class B1 office floorspace and 71 residential units (25x1 bed; 30x2 bed; 16x3 bed flats), 47 car parking spaces and associated landscaping, servicing and cycle parking OUTLINE at 1 Westmoreland Road, Bromley. |

Oral representations were received from Mr Zameel Syed speaking on behalf of local residents. Mr Syed submitted the following points in objection to the application:-

- Local residents objected to the proposal on the grounds that the layout and scale was detrimental to the amenities of local residents; this was previously acknowledged by the Council however, based upon the amended proposal, there appeared to be little difference.
- An 11 storey building would be completely out of character with surrounding residential properties. The height and semi ziggurat form of the tower would be incompatible with the setting of the adjacent listed and locally listed buildings.
- Contrary to the Area Action Plan (AAP), there would be a detrimental impact on the protected view of Keston Ridge. The evidence provided by developers showing how the view would not be impacted upon was inaccurate, if not misleading.
- Residents located immediately behind the proposed development (particularly those in Pinewood Road and Sandford Road), would be subject to a serious loss of privacy due to the height and alignment of the building.
- The proposal included a computer simulation of sunlight during the times of the day and months of the year. Residents considered this simulation to be inaccurate and levels of natural light available to the rear of properties in Pinewood Road would be affected. The timings of the sunlight simulation were also not extended enough and were, therefore, biased towards the development.
- The proposal would have a negative impact on road safety and traffic volume in the local area. There were two schools in the immediate vicinity with a large number of children and parents en route. The Westmoreland

Road junction was already busy and would become busier once the former Westmoreland Road car park regeneration scheme had been completed. Therefore, should the proposal be approved, measures should be put in place to make the junction easier for pedestrians to traverse.

In summing up, Mr Syed reported that although residents agreed that the site required redevelopment, the amended proposal did little to address previous and current concerns. Whilst he appreciated that in the current financial climate it was sensible to invest in schemes which would benefit the local economy, this should be done with a long term view and hand in hand with the local community. Mr Syed urged Members to reject the proposal.

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

- The principle of the proposed uses, in association with a tall building on site, was compliant with the Bromley Town Area Action Plan. The current proposals sought to address officer concerns (and the associated reasons for refusal), in respect of the previous application for hotel, residential and retail use for which the following should be acknowledged:-
 - The three storey podium block had been reduced to the approximate scale of the existing building, thereby addressing earlier reservations regarding long distance views to Keston Ridge;
 - The Section 106 obligations which had been agreed with the Council's advisors, related to the provision of affordable homes and the contribution of £350,000 would go towards, amongst other things, education and health services, thereby addressing previous concerns relating to scheme viability; and
 - The current proposal included provision of office space in direct response to earlier criticisms of the failure to provide such floorspace on site. The proposed office provision, unlike the existing on-site offer, would deliver grade A floorspace which would more readily attract potential blue chip and high profile occupiers to Bromley.
- The building had been designed to respect neighbouring properties in terms of amenity as well as the nearby locally/statutorily listed buildings. The development would be situated no closer to the properties in Pinewood Road than the existing building and adopted the height profile of the existing building relative to St Mark's School.
- The proposal satisfied parking standards as reinforced by the site's public transport accessibility and proximity to public car parks within the town centre.
- The development was, therefore, wholly acceptable in planning terms (with the principle of development being supported by the GLA).

Consequently, Mr Clarke urged Members to grant planning permission as recommended in the report and underpinned by the Highway Authority.

In response to Members' questions, Mr Clarke confirmed that should permission be granted, it was likely that the applicant would withdraw its appeal against the Council's refusal of the previous application. The podium had been reduced in height by 1m and was displayed on the drawings as a three storey building which allowed for a less restricted view of Keston Ridge. Although the proposed distribution of the 96 cycle spaces had been approved by the Highways Officer, Mr Clarke was agreeable to the imposition of a condition to redistribute spaces between the residential and office units.

The residential element of the scheme would subsidise the provision of office space which could not be provided in the previous application due to reasons of financial viability. Whilst the current proposals made provision for six affordable housing units, this was offset by a financial contribution to the Council via a Section 106 Agreement for the following community uses:-

- £264k for affordable housing elsewhere in the Borough;
- £33k for education;
- £13k for healthcare;
- £20k for the public realm; and
- £20k for the Town Centre.

The Section 106 Agreement would be subject to a profitability review.

Consultations had been conducted with local residents and whilst there was a need to maximise development potential, the applicant had respected the concerns of residents in regard to residential amenity to properties. The development would be situated no closer to residents in Pinewood Road than the existing building and where there was an increase in height, it was stepped further away from the properties. The rear of the building could be screened as much as possible in a number of ways to alleviate concerns in regard to privacy.

Mr Clarke duly noted Councillor Joel's request for the provision of disabled units to be included in the residential element of the scheme.

The Chief Planner submitted the following updates:-

- If permitted, the application would need to be referred to the Greater London Authority for final consideration;
- A Section 106 clause pertaining to the retention of office space should be incorporated; and
- The condition in regard to car parking and cycle spaces should stipulate the need to distribute the spaces proportionately between the office and residential units.

Councillor Dykes (Ward Member for Bromley Town), circulated photographs which highlighted the potential impact the development would have on views from the rear of properties in Pinewood Road. Councillor Dykes and her ward colleagues had spent a lot of time speaking with residents and considering the application in more detail. Despite some small changes made by the developer which were welcomed, they remained opposed to the application in support of local residents and the prosperity of the town centre. They remained concerned with the issues identified when the application was previously discussed by the Committee relating to the height and bulk of the building. Councillor Dykes urged Members to think carefully about whether or not the proposals took sufficient account of the safeguards set out in Policies BTC tall building and OSL 5.10, relating to:-

- the protected view of Keston Ridge from the High Street;
- the setting of listed and locally listed buildings; and
- the existing residential amenity of the adjacent residential streets.

Councillor Dykes briefly expanded on the following three points as follows:-

- The protected view of Keston Ridge - this view of open countryside from the High Street was identified as important in the 1986 Borough Plan and had remained so in the subsequent UDP plans as well as the current AAP. The previous application seriously compromised the view of the Keston Ridge and despite some changes being made (the reduction of just 1m), the views of the ridge remained obscured by the taller element. Therefore the objection on this ground remained.
- Settings of adjacent listed and locally listed buildings - These were statutory considerations in relation to the development. The setting of St Marks Church Tower was clearly compromised in views by this much taller building. The officer's report acknowledged that the scale and form of the building would have a significant impact on St Marks Church. The report also acknowledged that there would be an impact on the Grade II listed former St Marks school.
- Residential amenity - The height and stepped balconies at the rear of the buildings created overlooking issues for residents in the neighbouring road. Having seen the view of the existing building, particularly from properties in Pinewood Road, this had to be a consideration as the planned building was considerably larger. Equally important, the development intensification and pressure for car parking on surrounding streets by new residents and hotel users was an issue. The GLA recommended that the impact of the building should be assessed locally when reaching a decision so consultation with residents was crucial. Councillor Dykes had spent a lot of time with residents from Pinewood and Sandford Road looking at the existing impact of the DHSS and how the proposed development would compare. It was

right that the impact should be assessed locally and she hoped that other Members and officers took the time to visit these properties.

The report identified that the building steps back from the 5th -11th floor however, these were just small distances of 37m and 41m. The report was clear in that there would be a loss of prospect for properties in Sandford and Pinewood Road. However it then stated that on balance this was acceptable. Councillor Dykes strongly disagreed with this having stood in the gardens of the properties most affected.

Referring to the provision of office space in the current application, Councillor Dykes stated that when this first came to Committee, one of her objections was to the loss of office space. Although she welcomed the inclusion in the updated application, there was still a loss of office space with what was being lost not being fully replaced in this scheme. Councillor Dykes was very familiar with the developer's arguments against office space in that it was not viable and not in demand. Although there was a recognition that there was in fact demand for Grade A office space, she believed that would still be assertions that there was not a strong demand. Councillor Dykes highlighted to Members that this was incredibly short sighted. The Council had exciting plans for Bromley Town to make it more of an attractive offer for shoppers, businesses and families e.g. plans to bring the DLR to Bromley thereby improving the accessibility of the town centre and the recent upgrade of Bromley South Station. This was in an ideal position for premium office space, particularly given the proximity of Bromley South Station. Councillor Dykes did not believe that a hotel was a suitable replacement. To not maximise this opportunity and be hampered by short sightedness would be a real shame; the future vitality and needs of the town centre should be considered.

Whilst reading the officer's report, Councillor Dykes was struck by the fact that many of the important components of the application were not right but only considered 'on balance' to be acceptable. She did not agree that the protection of the Keston Ridge, listed buildings and residential amenity should be traded off and together these elements built a strong case that this application should not be accepted and residents deserved more than this.

Councillor Dykes moved that the application be refused.

Councillor Buttinger (along with other Members), was concerned that the 1m reduction in the height of the podium was not enough to ensure a less obscure view of Keston Ridge. For this reason, together with concerns relating to the height and mass of the development, Councillor Buttinger seconded the motion for refusal.

Councillor Arthur considered the majority of the development to be acceptable and as the applicant had carried out Members' previous requests to provide office space, reduce the height of the podium to improve the view of Keston Ridge and reduce the impact on neighbouring properties, he moved that the application be granted.

The Chairman commented that the site was located in an area defined within the AAP and permitted the erection of tall buildings. He considered the site to be a gateway into Bromley. It was difficult to assess the impact the development would have on listed buildings however, this was only an outline application and elements such as design and type of materials to be used would be considered as reserved matters at future meetings. One of the grounds for refusing the previous application was the lack of affordable housing; the current scheme provided for 6 affordable housing units and the applicant was offering £350k towards community use by way of a Section 106 Agreement. As a result, that particular ground for refusal had been overcome.

Similarly the ground for refusal due to lack of office space had been overcome and whilst further provision would be preferable, Members should recognise that the residential element was required to subsidise the current office space proposal and should, therefore, be considered sufficient.

The 1m height reduction of the podium was acceptable and should be welcomed.

The key issue involved the impact of the development on local residents, particularly occupants in properties along Pinewood Road and Sandford Road. However, as the rear of the properties already faced an existing 4 storey building, the impact would not be significantly different.

The Chairman had no concerns with regard to transport as the site was located in an area with a high PTAL ratio.

For the reasons set out above, the Chairman seconded the motion for permission to be granted.

Councillor Michael agreed that previous grounds for refusal had been overcome and alluded to the immense pressure put upon the Council to provide new homes. In this regard, the housing element of the scheme would assist the Council to achieve its housing targets. It was also preferable that houses be built on this site as opposed to being built on Green Belt land. Councillor Michael stipulated that the design and materials should be of a very high standard and it was crucial that reserved items such as this came back to DCC for consideration at a later date.

Councillor Fookes was concerned with the lack of affordable housing and suggested this was an ideal site for the provision of wheelchair housing. As a result of the development, improvements would need to be undertaken to the junction at Westmoreland Road.

RESOLVED that PERMISSION BE GRANTED (SUBJECT TO THE PRIOR COMPLETION OF A SECTION 106 AGREEMENT relating to office provision, affordable housing, education, health, wayfinding and public realm) and subject to final consideration by the Greater London Authority, as recommended. Permission was also subject to the

conditions and informatives set out in the report of the Chief Planner with the addition and amendment of the following conditions:-

8 Before any work is commenced, details of the layout of car parking spaces and apportionment of spaces between the office and residential use 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 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.

11 Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) 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. The submitted details should include the apportionment of cycle parking spaces between the office and residential uses.

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.

17 Details of proposals to provide dwellings capable of occupation by wheelchair users (including related car parking spaces) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development hereby permitted. Details submitted should be in accordance with the South East London Housing Partnership report 'Wheelchair Homes Design Guidance'. Details shall also be submitted to and approved in writing by the Local Planning Authority of proposals for the construction of all the dwellings hereby permitted as "Lifetime Homes" in accordance with the criteria set out in Supplementary Planning Guidance to the London Plan 'Accessible London: achieving an inclusive environment 2004' prior to commencement of the development hereby permitted. The dwellings shall be constructed in accordance with the approved details.

Reason: In order to comply with Policy 3.8 of The London Plan to ensure that housing choice is secured on this site.

32 Before any works on site are commenced, an updated site-wide energy strategy assessment shall be submitted to and approved by the Local Planning Authority. The results of this strategy shall be incorporated into the final design of the buildings prior to first occupation. The strategy shall include measures to allow the development to achieve an agreed reduction in carbon dioxide emissions of at least 40% better than Building Regulations. This should include the reduction from on-site renewable energy generation as set out in the Sustainability Appraisal and Energy Strategy Report. The final designs, including the energy generation, detailed layout and elevations shall be submitted to and approved in writing by the Authority and shall be retained thereafter in operational working order, and shall include details of schemes to provide noise insulation and silencing for and filtration and purification to control odour, fumes and soot emissions of any equipment as appropriate.

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

26 CHANGE OF USE FROM OFFICES TO RESIDENTIAL IN PARTS OF BROMLEY TOWN CENTRE - PROPOSED NON-IMMEDIATE ARTICLE 4 DIRECTION

Report DRR 13/124

Members considered a request to endorse the making of a 'non-immediate' Article 4 Direction withdrawing permitted development rights for change of use from office to residential. The Direction would apply to the Business Improvement Areas, as shown in the Area Action Plan and to nearby areas within a short distance of Bromley North and South Stations. It was considered expedient to restrict the change of use in these areas in order to avoid harmful impacts upon economic development.

The Chairman outlined the report and explained that the issue of a non-immediate Article 4 Direction would minimise the risk of compensation claims against the Council. He moved that the Article 4 Direction be endorsed. The motion was seconded by Councillor Jackson.

Councillor Mrs Manning asked what the Council would do if there was a rush for change of use within the 12 month notice period. The Chief Planner responded that where Article 4 Directions were concerned, this was not a risk-free option. An immediate Direction could be issued if later considered necessary.

A revised map of the defined areas within Bromley Town was circulated to Members.

RESOLVED that:-

- 1) the making of a 'non-immediate' Article 4 Direction be endorsed in the terms described in the report, on the basis that it is expedient to restrict the change of use from offices to residential in parts of Bromley Town Centre; and**
- 2) the matter be referred to the Renewal and Recreation PDS Committee and the Portfolio Holder for Renewal and Recreation to authorise the making of the Direction.**

27 LOCAL LIST OF VALIDATION REQUIREMENTS FOR PLANNING APPLICATIONS

Report DRR/13/114

Due to recent changes in legislation, Members considered an updated document relating to local information requirements for the validation of planning applications.

As part of the validation process, Councillor Mrs Manning suggested that applicants be requested to submit site plans showing the position of neighbouring buildings on either side of the application site. The inclusion of street scene drawings would also be useful and should include ground levels. The Chief Planner agreed to include these suggestions. Councillor Joel suggested it would be helpful if applicants submitted a set of photographs (rather than drawings) to be held on file.

Councillor Fookes asked if figures were available to show the number of applications which had been rejected. He was informed that officers work with applicants to resolve invalidity issues such as non-payment or incorrect payment of fees and inaccurate drawings. Consequently, out of approximately 3,000 applications, only a small number were finally rejected.

The Chairman moved (Councillor Jackson seconded), that the document be approved.

RESOLVED that the updated local information requirements document be adopted subject to the inclusion of the following requirements:-

- 1) Applicants should submit site plans showing the position of neighbouring buildings on either side of the application site; and**
- 2) Street scene drawings, including ground levels should be submitted.**

The meeting ended at 8.40 pm

Chairman