

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 25 November 2014

Present:

Councillor Peter Dean (Chairman)
Councillor Nicky Dykes (Vice-Chairman)
Councillors Vanessa Allen, Graham Arthur, Douglas Auld,
Teresa Ball, Kathy Bance MBE, Eric Bosshard, Katy Boughey,
Lydia Buttinger, Simon Fawthrop, Charles Joel, Alexa Michael,
Michael Rutherford, Richard Scoates and Michael Turner

Also Present:

Councillors Russell Mellor and Michael Tickner

21 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor David Livett.

22 DECLARATIONS OF INTEREST

Councillors Allen and Bance declared personal interests in Item 5a - H G Wells Centre, as the building was currently used by Members of the Labour Party for social purposes.

23 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 4 SEPTEMBER 2014

RESOLVED that the Minutes of the meeting held on 4 September 2014 be confirmed and signed as a correct 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
5a (page 11)	Bromley Town	Demolition of existing building and erection of a part 7, part 11, part 17 storey mixed use building comprising 256sqm community uses

		(use Class D1/D2), 1,467sqm office use (use Class B1) and 52 residential flats with associated landscaping and public realm works, new pedestrian links, refuse and cycle stores, plant room and 3 disabled car parking spaces at H G Wells Centre, St Marks Road, Bromley BR2 9HG.
--	--	--

Oral representations in support of the application were received from Mr Rob Sargent, Director, Cobalt (Bromley South) Ltd. Mr Sargent made the following points:-

The application represented three years of design and consultation.

Two pre-application meetings had taken place and consultation had been undertaken with officers, Members, CABE, The GLA, the EA, the Metropolitan Police, immediate neighbours and local stakeholders. A public exhibition had also been held.

The proposal delivered a 17 storey landmark building and represented a substantial investment which would give rise to numerous benefits to Bromley.

The scheme was a further private sector endorsement of the regeneration of Bromley Town Centre. The development would provide a modern inclusive community/social facility, 15,000 sq ft of the highest quality, state of the art office space and 52 luxury apartments.

The proposal not only provided an exceptional landmark building at the gateway to Bromley from the South, it would also bring to life the rather gloomy cul-de-sac adjacent to Bromley South Station.

It was very disappointing that officers did not support the scheme as the applicant firmly believed that all the quoted reasons for refusal had been positively addressed.

St Marks Reach had excellent access for deliveries from St Marks Road, which as a cul-de-sac enjoyed minimal traffic movement. The scheme provided zero parking, other than for disabled occupants, and it was expected that the Council would condition a prohibition on resident parking permits. The proposal therefore, did not create unacceptable traffic movements or add to congestion on St Marks Road.

St Marks Reach would be managed on a daily basis through a residential concierge and a commercial business reception, thereby providing a solution to both residential and commercial occupiers' individual servicing requirements.

Officer comments regarding the provision of onsite affordable housing as a reason for refusal appeared to have been drafted prior to the most recent exchanges between the applicant's and the Council's viability consultants.

This matter was currently in the hands of the Council's consultants, to whom the applicant had responded in a way that would readily allow an agreement to be formalised.

Dealing with reasons 1 and 2 together, the report suggested that in terms of bulk, mass, design and impact on the setting and neighbouring residents, the proposal would be unacceptable and detrimental. In this regard, the applicant emphasised that the site presented probably the single most appropriate opportunity within Bromley Town Centre to construct a tall building, sitting at the Town's lowest topographical point to the South. This opinion was supported by the CABE report dated 22 March 2013, which was provided to Officers as a result of a process instigated by the London Borough of Bromley and was further echoed in the GLA stage 1 response of 27 November 2013.

The comments made by CABE, Officers, Councillors and neighbouring owners, served to inform the design brief provided to John Thompson Partners (the applicant's award winning international architects), from whom Members received a presentation in February 2014.

In reality, the Officers' comments regarding the design and quality of St Marks Reach were at best highly subjective. They were not reflective of the detailed process undertaken by the design and architectural team and the report identified no significant harm to either local townscape or residential amenity. The low number of objections and letters of support received clearly underlined that point.

St Mark's Reach incorporated one of the most expensive and highest quality blends of materials, yet to be used within any new development in the Borough, let alone the Town Centre. From the light reflective alucabond cladding, quality brick finishes, thermo reflective glass and bespoke interior design, Members had the opportunity to consent to a building that would not just be an outstanding addition to the Town Centre but would also be an important addition to the wider South East London Townscape.

St Marks Reach was readily deliverable and provided a balanced and exciting mix of uses in what, until now, had been an impermeable, sadly neglected and uninspiring corner of the Town Centre.

Mr Mark Gibney, planning partner at bptw Partnership was also in attendance and responded to Member questions as set out below:-

- The provision of only six affordable housing units was due to viability issues. A confidential viability report had been submitted which had identified that the scheme could provide 11% of affordable housing; the Council's independent assessor believed a maximum of 14% could be achieved.
- The lack of parking provision for small sites such as St Marks Reach was a common element of modern-day development proposals. Potential purchasers would be aware there was no parking provision so ultimately it would be their choice whether to move to the site or not.
- In terms of creating a landmark building, the high quality design and use of high quality materials would contribute to what would become an imposing building which would sit well within the location and be noticed. The external colour of the building would change subtly throughout the day.
- Three disabled parking spaces would be provided. Storage space would also be available for wheelchairs, mobility scooters etc. All residential units would be built to the 'Lifetime Homes' standard, 10% of which would be wheelchair accessible.

The Development Control Manager gave an update in respect of the recommended third ground for refusal concerning affordable housing. Members were informed that dialogue had taken place between the applicant and the Council's consultants as to whether it would be viable for the scheme to make a greater contribution. Although unwilling to consider a mix of tenures, preferring to retain the shared ownership offer on site, the applicant had agreed to provide the proposed six units plus a payment of £515k in lieu which officers deemed to be an acceptable offer. In light of this, it was recommended that the third reason for refusal be withdrawn.

Whilst Councillor Dykes was pleased to note the application included the provision of office space, she was concerned that the height and scale of the development was excessive and would lead to an overdevelopment of the site. On this basis, Councillor Dykes moved that the application be refused as recommended (after Officer update).

Although Councillor Rutherford considered the site to be appropriate for development, it was too small to accommodate the proposed scheme. He also questioned elements of the design of the building. For reasons of overdevelopment, scale and design, Councillor Rutherford seconded the motion for refusal.

Councillor Fawthrop referred to the lack of parking provision stating that although a high rating had been given to the Public Transport Accessibility Level (PTAL) of the site, it was wrong to assume that everyone was against car travel.

It was noted that the site was not included in Bromley Town Centre's Area Action Plan as a location for taller buildings.

Following a vote of 15-0, Members **RESOLVED** that the application be **REFUSED** as recommended, for the following reasons:-

- 1 The proposed development would, by reason of its height, scale, siting and design which would not be of the outstanding architectural quality required by the development plan, appear as an unduly prominent, incongruous and overbearing addition to the town centre skyline, out of character with the scale, form and proportion of adjacent development, giving rise to an unacceptable degree of harm to the character and appearance of the area, contrary to Policies BE1 and BE17 of the Unitary Development Plan, Policy BTC19 of the Bromley Town Centre Area Action Plan and London Plan Policy 7.7.**
- 2 The proposed development would, by reason of the height, scale and footprint of the building constitute an overdevelopment of the site, with very limited space retained at street level to offset the significant mass of built development and provide a satisfactory setting for the development, and would give rise to a loss of amenity to neighbouring residents with particular regard to an unacceptable and detrimental perception of overlooking and loss of privacy, contrary to Policy BE1 of the Unitary Development Plan and London Plan Policy 7.7.**
- 3 The proposed development would lack servicing arrangements for the proposed commercial uses which would result in a detrimental impact upon road and pedestrian safety and highway management contrary to Policies T17 of the Unitary Development Plan and Policy BTC29 of the Bromley Town Centre Area Action Plan.**

**26 DYLON INTERNATIONAL LTD, WORSLEY BRIDGE ROAD,
LONDON SE26 5BE**

Report DRR14/110

In September 2014, the High Court (Consent Order) quashed a Planning Inspector's decision of March 2014 in relation to the Council's refusal to grant planning permission for development at Dylon International Ltd, Worsley Bridge Road, London SE26 5BE. The appeal would be re-determined in January 2015 alongside a second appeal against non-determination for development at Dylon International Ltd.

Members were asked to consider the outcome of the High Court Challenge and the details of a subsequent offer made by the appellant in relation to the two appeals to be heard by the Planning Inspectorate in January 2015.

As this report was written in conjunction with Item 12 on the agenda, the Chairman decided to consider both reports in the Part 2 section of the meeting.

27 ARTICLE 4 DIRECTION - PETTS WOOD AREA OF SPECIAL RESIDENTIAL CHARACTER AND THE CHENIES AND CHISLEHURST ROAD CONSERVATION AREAS

Report DRR14/109

Members considered whether the Portfolio Holder for Renewal and Recreation should be requested to confirm the making of a non-immediate (12 month) Article 4 Direction to restrict permitted development rights to erect or construct gates, fences, walls or other means of enclosure in the Petts Wood Area of Special Residential Character (ASRC) and The Chenies and Chislehurst Road Conservation Areas. The making of an Article 4 Direction was considered necessary in order to preserve the character and appearance of the above mentioned designated areas.

Councillor Fawthrop moved that the Article 4 Direction be confirmed as it was imperative that the ASRC and Conversation Areas mentioned above remain protected. Councillor Auld seconded the motion stating that the character of the ASRC had gradually changed over the years due to the erection of fencing and gates.

RESOLVED that the Portfolio Holder for Renewal and Recreation be requested to confirm the making of a non-immediate (12 month) Article 4 Direction restricting permitted development rights for the erection or construction of gates, fences, walls or other means of enclosure in the Petts Wood ASRC and The Chenies and Chislehurst Road Conservation Areas in respect of the following Parts of the Town and Country Planning (General Permitted Development) Order 1995 (as amended):-

Part 2, Class A: The erection, [or] construction..... of a gate, fence, wall or other means of enclosure.

28 LAND KNOWN AS BECKENHAM GREEN LOCATED BETWEEN HIGH STREET AND ST GEORGE'S ROAD FOR REGISTRATION AS A TOWN OR VILLAGE GREEN

Report CSD14159

Members considered an application to register land comprising the area of ground known as Beckenham Green bounded by High Street Beckenham and St Georges Road, Beckenham as a Town or Village Green. After completion

of the statutory requirements, it was the duty of the Council as registration authority, to decide if the area should be registered, or whether a public inquiry should be held for an Inspector to make a recommendation in this respect.

Visiting Ward Member Councillor Russell Mellor addressed the Committee and stated that this was a simple request to register land. The land in question was used to host social events and activities and was widely used by the local community. Whilst he appreciated there were legal technicalities to consider, if Members were mindful to agree that the land be registered, Councillor Mellor would support that decision.

Councillor Tickner concurred with Councillor Mellor and commented that although it would do no harm to register the land, it was probably not necessary to do so as the park was used by so many people and it was unlikely that the Council would stop the use or sell the land.

Having lived in the area since childhood, Councillor Arthur recognised the land as a Town Green which he confirmed was well-used by the local community. However, the issue for Members to decide was whether or not the land was considered to be a Town Green within the legal definition. As Beckenham Green was a park and therefore already designated for public use, Councillor Arthur could see no reason for the land to be registered as a Town Green.

The Legal Adviser referred to letters of support received from the applicant, David Wood and Ms Pam Notcutt; these had been circulated to Members. Since the report was first published, 16 further e-mails in support of the application had been received. Members were informed that the legal definition of use of land 'as of right' meant use that is not by force, nor stealth, nor with the licence of the owner.

Councillor Turner asked if some level of protection could be established to prevent the Council from selling the land in the future. He was advised that the land was awarded the same protection as park land.

Councillor Fawthrop moved that the application be declined and suggested that as the land was Council-owned, the matter should be referred to the Executive Committee for Members to consider voluntarily registering the land as a Town Green.

RESOLVED that:-

- 1) registration of the land as a new town or village green be declined for the reasons set out in the report; and**
- 2) as the land in question was Council-owned, the matter be referred to a meeting of the Executive for Members to consider voluntarily registering the land as a village green.**

**29 DELEGATED ENFORCEMENT ACTION
(JULY TO SEPTEMBER 2014)**

Report DRR14/097

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

It was noted that Marlings Park Avenue (page 46, Enf Ref. 14/00431) was located in Chislehurst Ward not Petts Wood and Knoll as stated.

RESOLVED that the report be noted.

30 RESPONSE TO DCLG CONSULTATION : "PLANNING AND TRAVELLERS"

Report DRR14/108

The Department for Communities and Local Government (DCLG) published a consultation in September 2014 on the changes to the Planning Policy for Traveller Sites (PPTS) issued in March 2012 alongside the National Planning Policy Framework (NPPF).

The report considered by Members set out issues raised by the proposed amendments and included the Council's recommended responses to the DCLG.

The Head of Planning Strategy, Renewal and Recreation gave an overview of the report.

Referring to the response at Q1 (page 52), Councillor Scoates queried whether retaining the words 'or permanently' in the planning definition of travellers would lead to an increase in the amount of provision required. Officers advised that potentially breaking up family groups where some members did not travel, could create a greater need for separate accommodation and care. Councillor Scoates emphasised the importance of obtaining strong evidence to restrict the requirement to provide accommodation for other traveller sites.

Councillor Bosshard referred to the response at Q8 (page 54) and considered this should be changed to 'yes' otherwise unauthorised occupiers would presume that approval to retrospective applications would automatically be given.

The Head of Planning Strategy, Renewal and Recreation agreed to expand the suggested response.

RESOLVED that subject to the comments and amendments referred to above, the Council's proposed responses to the DCLG be endorsed.

31 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.

32 DYLON INTERNATIONAL LTD, WORSLEY BRIDGE ROAD, LONDON SE26 5BE

Reports DRR14/111 and DRR14/110

Members considered two reports in regard to appeals on planning applications for development at Dylon International Ltd, Worsley Bridge Road, London SE26 5BE.

Members considered the reports and supported the recommendations.

The meeting ended at 8.20 pm

Chairman