

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 13 July 2015

Present:

Councillor Peter Dean (Chairman)
Councillor Nicky Dykes (Vice-Chairman)
Councillors Graham Arthur, Douglas Auld, Eric Bosshard,
Katy Boughey, Kevin Brooks, Lydia Buttinger, Simon Fawthrop,
Ellie Harmer, Charles Joel, David Livett, Russell Mellor,
Alexa Michael, Richard Scoates, Michael Turner and
Angela Wilkins

Also Present:

Councillors Nicholas Bennett J.P., Tom Philpott and
Stephen Wells

16 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Vanessa Allen and Kathy Bance; Councillors Angela Wilkins and Kevin Brooks acted as their respective substitutes.

17 DECLARATIONS OF INTEREST

No declarations of interest were received.

18 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 9 JUNE 2015

Minute 11 - Planning Appeals - Costs 2014/15 (page 10)

The final paragraph was amended to read:- *‘Some Members commented it should be the policy of the DCC that, where appropriate, the recommendation of “members views requested” be used in reports to Development Control and Plans Sub-Committees.’*

RESOLVED that subject to the amendments set out above, the Minutes of the meeting held on 9 June 2015 be confirmed and signed as a correct record.

19 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

20 PLANNING REPORTS

20.1 (15/00909/FULL1) - Harris Academy Beckenham, Manor Way, Beckenham BR3 3SJ

Members considered the following planning application report:-

Item No.	Ward	Description of Application
5.1 (page 23)	Kelsey and Eden Park	Demolition of all buildings on site (except the basketball block) and erection of replacement buildings to accommodate a 3 storey 6FE Academy (8,112 sqm GIA) for 1,150 pupils and a 2 storey primary Academy (2,012 sqm GIA) for 420 pupils together with temporary classroom accommodation for a period of two years, provision of 97 car parking spaces, 170 cycle parking spaces, associated circulation and servicing space, multi-use games areas and landscaping.

The Planning Development Control Officer reported the following:-

1. Late objections in respect of both applications received on behalf of KEPA, including a Transport Report by independent consultants, raised concerns about the impact on residential amenity for the secondary only application including use of the MUGA. In respect of the primary and secondary application, concerns about the impact on the conservation area through views of the site and the associated increased activity, unacceptable highway impacts including parking stress, harm to residential amenity through noise and disturbance and flaws in the educational need argument in particular relating to the proposed school at Langley Park which it was argued had not been taken into account and the possibility of the use of permitted development rights to open a school elsewhere to accommodate the need.
2. A number of other late objections had been received raising issues as summarised in the committee report and additionally the issues raised in the KEPA objection.
3. There were also some late letters of support, including one from the Central Beckenham Residents Association.
4. The Council's Highway Engineer had provided comments on the Transport Report received with the late KEPA objection. He confirmed that the Highway Authority maintained no objection to either application. He pointed out that the focus of the objection was flaws in the parking stress survey methodology which claimed that the 200m distance used in

the assessment was not correctly followed. In fact the Lambeth Methodology for parking surveys allowed for a 500m distance for commercial development and the 200m distance was for residential schemes.

5. The Education Authority's Head of Strategic Place Planning had provided comments on the educational need issues raised in the late KEPA objection. He pointed out that there were many risks relating to the school expansion programme in Bromley and there was no guarantee that any of the schemes without planning permission would progress. He considered that the argument for need had been made clear and there would be a deficit without Harris Beckenham. The actual demand for this site had been evidenced through the admissions process.

None of the late information and responses received altered the recommendations as set out in the agenda. Copies of all of these documents were available on the application files.

Oral representations in objection to the application were received from Mr Mark Batchelor on behalf of Kelsey Estate Protection Association. Mr Batchelor made the following points:-

- The development would have a significant impact on residents in Manor Way.
- The educational need requirement was questionable.
- The development would result in an increased headcount of 75%.
- There would be an impact on vehicular traffic; the Parking Stress Survey had indicated an increase in traffic of 124% at peak times.
- The applicant's parking survey showed people would need to walk ½ kilometre from the nearest parking provision to the school gate.
- The development would be harmful to the character of the conservation area.

Mr Batchelor urged Members to give proper weight to educational need requirement when considering the application.

Oral representations in support of the application were received from Mr Mike Ibbott, the applicant's agent. Mr Ibbott commented briefly on key issues and responded to KEPA comments. He also made the following points:-

- Planning Officers had produced a comprehensive report and had worked closely with the applicant and agent at both pre and post-application stages to address key planning issues.

- Education was at the heart of the planning system – the policy test was set out in London Plan Policy 3.18D.
- The secondary application would enable the school to operate at its agreed capacity. The primary school need was established and documented in the Council's Primary Schools Development Plan; without it, there would be a deficit of education in the Borough.
- There were no planning proposals in regard to the new Park Langley School and there was no likelihood of a permitted development scheme being put forward in the short term. The school would also service a different catchment area.
- The secondary school was expanding to agreed capacity.
- The primary school would operate in the same way as the secondary school with off-site drop-off/pick-up. KEPA comments were wrong – the Lambeth methodology is only a guideline and the 200m rule is based on long-term parking for residential development which was very different from school drop-off. The Highways Officer agreed the methodology and agreed with the conclusions.
- MUGA had very generous separation distances. The playground was part of the school's PE provision.
- This was an existing school site and the policy test emphasised education need against local impacts.

Mr Ibbott responded to Member questions as follows:-

- He was unsure how many of the existing four disabled parking spaces were utilised by staff however, the school would manage them according to need.
- In regard to reconfiguring the new primary school building by turning it 90% away from residential properties to face the other building, Mr Ibbott stated that the new school was designed to create a buffer between the playground and the other building. Various configurations had been tested and the current proposal had proved, on balance, to be the best option. There would be no direct overlooking onto residential properties. The option to rotate the building had not been discussed with planning officers.

The following oral representations on behalf of the Portfolio Holder for Education, Councillor Peter Fortune were received from Executive Support Assistant Councillor Tom Philpott:-

"I wanted to set out my support for the Harris Beckenham Primary Academy. The new school is central to my planning for school places in Beckenham. The Harris Federation has already demonstrated their ability to improve the secondary provision at Harris Beckenham. I know how ambitious the Federation is about raising standards and outcomes for our local children and I am sure once open, Harris Primary Academy Beckenham will join the other high performing and popular schools in this part of the borough.

All bar one local primary school in Beckenham were oversubscribed in the last academic year, with many places filled by siblings and the proximity from which schools attracted pupils decreased as demand grew. The evidence of need for the school as presented to the Education Scrutiny Committee on 27 January this year is clear. Without Harris Beckenham, we would have a deficit of 13 school reception places this September and that situation only gets more acute as we move into the next decade, rising to 53 in 2020/21. When we add 5% for contingency and choice, in line with Council policy and that of many other councils, that deficit increases to 75 by the beginning of the next decade. When we look at the data for the over-subscribed, non-faith primary schools in proximity to this site, they draw their pupils from extremely tight locations. Last year one of these schools took pupils from no more than a third of a mile away.

The balance to be struck between protecting our local neighbourhoods from over-development and providing the infrastructure they require is a fine balance to be struck. As a Council we have a statutory responsibility to provide sufficient school places for people living in our neighbourhoods. In this instance I am convinced that the proposal before the committee meets local need and through the use of existing school land fits well with local, nation and regional planning policy and minimises the impact on the local community."

In making his own representations, Councillor Philpott referred to the new Langley Free School and urged Members to consider the following:-

- This very welcome additional school has been approved by the Secretary of State as an educational institution but has not yet confirmed their site, been given planning permission or agreed their premises with the EFA. The Langley Boys site where the free school may be situated is, by my calculation, 1.3 miles drive from the Harris Beckenham site.
- Even if the Langley School took all of its 2 FE entrants from the Planning Area which Harris Beckenham would be located in, LBB would still have a deficit of places in this area (without Harris Beckenham) once the 5% surplus policy is accounted for.
- In reality it is unlikely that Langley will take 100% of its pupils from this area as, depending upon the oversubscription criteria they use, it is likely that they will draw student not just from the north in Beckenham but also from West Wickham in the South and the Langley estate to the North East.

- Therefore we do not feel that the potential creation of this new school invalidates the need for the Harris Beckenham Primary Academy.

As Ward Member for Kelsey and Eden Park, the Chairman had received a significant amount of mail from interested parties both in support and in objection to the application. He had, therefore, considered the application as objectively as possible. The new Langley Free School was nowhere near fruition and there was categorically, a distinct educational need within the Borough. Whilst the Chairman had objected to the previous application on the grounds of over-development and loss of amenity to local residents, the current proposal would result in a smaller footprint of land being used and the playground between the two schools would act as an acoustic wall to lessen the impact on local residents. There would be minimal impact on the conservation area.

Whilst there would be an increase in traffic, a Traffic Plan had been submitted. Local residents would be within walking distance of the school and arrival and departure hours would be staggered. The Chairman therefore moved that permission be granted.

Councillor Michael particularly liked the configuration of the buildings and the way in which the primary school would act as a buffer to block noise. The removal of 26 trees from the site raised concerns and in this regard the addition of a condition regarding replacement trees was requested. It was noted that the school would be open for community use. For the reasons set out above Councillor Michael seconded the motion for permission to be granted.

It was generally agreed that:-

- the current application was much-improved;
- the Council had a statutory duty to provide education sites within the Borough;
- Condition 20 be amended to include a proviso that floodlights should not be used at any time;
- Permitted Development Rights be removed as a matter of course;
- a slab level condition should be included.

Members having considered the report, objections and representations **RESOLVED that PERMISSION BE GRANTED SUBJECT TO THE PRIOR COMPLETION OF A SECTION 106 LEGAL AGREEMENT** as recommended and subject to the conditions and informatives set out in the report of the Chief Planner with conditions 6 and 20 amended to read:-

'6 (i) A detailed scheme of landscaping which shall include:-

- details of replacement trees;
- details of bird and bat boxes;
- details of log piles;
- details of ecological improvements to the existing pond;
- details and samples of any hard surfaces (NB: No loose materials shall be used for surfacing of the parking and turning area hereby permitted);
- full details of boundary treatments;
- proposed plant numbers, species, location and size of trees and tree pits;
- furniture and lighting; and
- details of the management and maintenance of the landscaping for a period of five years;

shall be submitted to and approved in writing by the local planning authority prior to construction of any above ground works.

(ii) The approved landscaping scheme shall be implemented in full and all planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development hereby approved, in accordance with the approved scheme under part (i). Any trees or plants which within a period of five 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.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies BE1, BE7, NE3, NE5 and NE7 of the UDP.

20 The Multi Use Games Area (MUGA) hereby approved, shall only be used between the hours of 08:25 and 18:00 on any day Monday to Sunday inclusive and for the avoidance of doubt there shall be no floodlighting erected or used at any time.

Reason: In the interests of protecting neighbouring residential properties from activities that could result in excessive noise and disturbance outside of normal school hours and in accordance with Policy BE1 of the UDP (2006).'

A further two conditions were added as follows:-

24 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, alterations, walls or fences of any kind shall be erected or made within the curtilage of the school buildings hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of protecting amenity in accordance with UDP Policy BE1.

25 Details of the proposed slab and finished roof levels of the buildings hereby approved and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences on the permanent buildings hereby approved and the development shall be completed strictly in accordance with the approved levels.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

20.2 (15/00908/FULL1) - Harris Academy Beckenham, Manor Way, Beckenham BR3 3SJ

Members considered the following planning application report:-

Item No.	Ward	Description of Application
5.2 (page 23)	Kelsey and Eden Park	Demolition of all buildings on site (except the basketball block) and erection of replacement buildings to accommodate a 3 storey 6FE Academy (8,112 sqm GIA) for 1,150 pupils together with temporary classroom accommodation for a period of two years, provision of 71 car parking spaces, 128 cycle parking spaces, associated circulation and servicing space, multi-use games areas and landscaping.

The commentary contained in Minute 5.1 also pertains to this report.

Members having considered the report, objections and representations **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions and informatives set out in the report of the Chief Planner with conditions 6 and 20 amended to read:-

'6 (i) A detailed scheme of landscaping which shall include:-

- details of replacement trees;
- details of bird and bat boxes;
- details of log piles;
- details of ecological improvements to the existing pond;
- details and samples of any hard surfaces (NB: No loose materials shall be used for surfacing of the parking and turning area hereby permitted);
- full details of boundary treatments;
- proposed plant numbers, species, location and size of trees and tree pits;

- furniture and lighting; and
- details of the management and maintenance of the landscaping for a period of five years;

shall be submitted to and approved in writing by the local planning authority prior to construction of any above ground works.

- (ii) The approved landscaping scheme shall be implemented in full and all planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development hereby approved, in accordance with the approved scheme under part (i). Any trees or plants which within a period of five 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.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies BE1, BE7, NE3, NE5 and NE7 of the UDP.

20 The Multi Use Games Area (MUGA) hereby approved, shall only be used between the hours of 08:25 and 18:00 on any day Monday to Sunday inclusive and for the avoidance of doubt there shall be no floodlighting erected or used at any time.

Reason: In the interests of protecting neighbouring residential properties from activities that could result in excessive noise and disturbance outside of normal school hours and in accordance with Policy BE1 of the UDP (2006).'

A further two conditions were added as follows:-

22 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, alterations, walls or fences of any kind shall be erected or made within the curtilage of the school buildings hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of protecting amenity in accordance with UDP Policy BE1.

23 Details of the proposed slab and finished roof levels of the buildings hereby approved and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences on the permanent buildings hereby approved and the development shall be completed strictly in accordance with the approved levels.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

**21 LOCAL LIST OF VALIDATION REQUIREMENTS FOR
PLANNING APPLICATIONS**

Report DRR 15/075

National Government Guidance required local planning authorities to undertake a regular review of their validation requirements for planning applications. It was necessary to ensure that the list remained fit for purpose in the context of changes to National Legislation and development plan policies.

In this respect, Members were asked to formally adopt a revised Local List of Validation Requirements. The revised list included amendments requested by Members at a meeting of the DCC on 10 February 2015 as well as addressing issues arising from an 8 week period of public consultation.

It was agreed that the word 'generally' be deleted from the second sentence of the paragraph headed 'General guidance for drawings' (page 97); the sentence was therefore amended to read: '*Drawings which say 'Do not scale' are not acceptable.*'

RESOLVED that, subject to the amendment referred to above, the revised Local List of Validation Requirements be formally adopted.

22 PETITION - BULL LANE ALLOTMENTS

Report CSD15091

As requested by Members at a full meeting of the Council held on 29 June 2015, DCC Members considered a petition submitted by the Bull Lane Action Group with 801 validated signatures calling on the Council to designate the Bull Lane Allotments in Chislehurst as Local Green Space.

Ward Member Cllr Boughey supported the petition as she considered the allotment land fully met the criteria set out in the National Planning Policy Framework for designating land as Local Green Space.

It was generally agreed that the land should be protected and the allotments retained.

RESOLVED to recommend to the Executive that the merits of designating the Bull Lane Allotments as Local Green Space be formally considered through the Local Plan process and the Petition be included as a submission seeking this change.

Councillor Arthur abstained from voting.

**23 BROMLEY'S LOCAL PLAN - POTENTIAL SITE ALLOCATIONS
DRAFT POLICY AND DESIGNATIONS ALTERATIONS' FOR
CONSULTATION**

Report DRR15/070

Members were requested to endorse Appendix 1 as the consultative 'Local Plan – Potential Sites, Draft Policy and Designation Alterations' stage in the preparation of Bromley's Local Plan. Members were also asked to refer the document to the executive for approval for the purpose of consultation with residents, partner organisations and the wider community.

The Chairman reported that progress in drafting the Local Plan had been reviewed by the Local Development Framework Advisory Panel. The Potential Sites, Draft Policy and Designation Alterations' stage focussed on designating sites in Wards for particular purposes. The latest updates incorporated an increased housing target of 641 units; minimal parking provision and variations to the Biggin Hill SOLDC.

The following comments were made:-

- Living in Bromley (page 135) - the first sentence within the coloured table should read 'The Council will make provision for **at least 641** additional homes per annum over the fifteen year Plan period which will be facilitated by:'.
- Getting Around (page 136) - with regard to the provision of off-street parking for 1-2 bedroom accommodation, clarification was sought on what constituted 0.7 space.
- Safeguarding land for transport investment (page 136) - One Member was pleased to note the Council's proposal to explore with TfL the potential for improvements at the junction of the A232 Croydon Road and the A233 Westerham Road and Oakley Road as currently this was an extremely precarious junction. Feedback on progress achieved in this matter was requested.
- Potential Draft Site Allocations and Designations (Table 1 - page 139) - One Member was unhappy with the proposal to redesignate land at Turpington Lane for educational use due to the winding nature of the surrounding roads and the inability to prevent vehicles from speeding.
- Potential Draft Site Allocations and Designations (Table 1 - page 140) - The Maybury Works in Worsley Bridge Road was currently industrial, commercial and employment use. The former Dylon site located adjacent to this had been designated for commercial use. Redesignating The Maybury Works to mixed residential would result in an over-intensive use and a request to retain its current designation was requested. Members

were informed that retaining the site's current designation would be difficult because whilst it provided employment for 40-60 people, approximately one third of the site remained unused.

- Potential Draft Site Allocations and Designations (Table 1 - page 140) - in regard to Bromley Civic Centre, the words "and other town centre uses" was vague and should be clarified.
- Potential Draft Site Allocations and Designations (Table 1 - page 141) - One Member opposed the expansion of the site at Higham Hill Farm, Layhams Road, Keston. The land was used as a buffer between the road and the showman's site. A long-term strategy was required to locate plots elsewhere.
- School sites should be safeguarded and one Member asked whether this could be done at the determination stage of an application. The Chairman reported the Education Department considered it necessary to redesignate now to present less difficulty in future consideration of applications. It was also incumbent upon the Council to identify and adopt land for educational use. It was noted that if the Council identified enough sites, then applications submitted from elsewhere could be turned down at determination stage.
- Table 2 - Sites not recommended for housing/mixed use allocations (page 143) - A proposal for high density housing at Potters Yard, Turpington Lane was recently refused. An appeal had been submitted for which a decision was yet to be made.
- Members were informed that the redesignation of various schools from Green Belt to Urban Open Space would make it easier in the future for land to be used for education purposes.
- One Member was uncomfortable with the development proposals at Biggin Hill Airport and the removal of Green Belt land from what was an important historical site. The developers had asked for more land to be redesignated than that already included within the consultation document. There was concern that agricultural land next to the site would be used for development purposes; Members were assured that the SOLDC boundary would remain the same and the quality of the environment would be retained.
- It was agreed that Tree Preservation Orders be placed on trees at the Biggin Hill site. The Chief Planner confirmed that provisos would be implemented in relation to re-planting.
- In regard to parking (page 73, paragraph 5), it was noted that three areas had been identified where lower minimum parking standards than the rest of the borough would be appropriate given their higher level of public

transport accessibility. Despite this, there was a very high density of housing in these areas and the majority of residents owned cars.

The following officer updates and clarifications were circulated to Members (revised text in italics): -

'Appendix One - Draft Consultation Document (pages 23-24)

Show as a Policy/Proposal. Insert at the top of page 24 '*The following sites are proposed as allocations for consultation purposes:-*' (list as in Appendix One p.24 then follows)

Page 24

After 'Site Assessment 2015' (at the foot of the page) insert '*which is enclosed as Additional Document B. The Broad Locations for growth in the later stages of the Plan are identified mainly due to Opportunity Area, Town Centre and/or Renewal Area status*'.

Page 34

Amend Traveller site boundary Map 1 Star Lane (below). The amended site boundary (blue hatched line) limits the site to the extent of existing traveller pitches. The red line, in the DC report, predominantly followed physical features (escarpment/earth bunds).



Page 47/48

Show as a Policy/Proposal: '*In conclusion, the sites that comprise Table 7 which are set out in full at Appendix 3 (p62-66) are draft allocations and*

proposals for consultation purposes. All are subject to their being supported by the necessary site specific infrastructure’.

The recommendations set out on page 130 of the report were amended to read (amendments in bold):-

‘That development Control Committee:

- 2.1 Endorse Appendix 1 as the Local Plan, potential sites, draft policy and designation alterations document for the executive to agree for public consultation.

That the Executive:

- 2.2 Consider the comments from DCC with regard to the Local Plan – potential sites, draft policy and designations alterations, and
- 2.3 **Approve** Appendix 1 as the Local Plan – potential sites, draft policy and designations alterations, document for **public** consultation, **together with any agreed amendments**, subject to the Director of Regeneration & Transformation, in consultation with the Chairman , being authorised to make any minor alterations to the document as required, **and agree the final supporting documents** prior to the publication.

RESOLVED that subject to the amendments set out above, **Appendix 1 be endorsed as the ‘Local Plan – Potential Sites, Draft Policy and Designation Alterations’ document for the Executive to agree for public consultation.**

The meeting ended at 8.40 pm

Chairman