

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held at 7.30 pm on 10 December 2015

### **Present:**

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

### **Also Present:**

Councillor Will Harmer

#### **38 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillors Katy Boughey and David Livett whose absence was due to the rescheduling of this meeting.

#### **39 DECLARATIONS OF INTEREST**

No declarations of interest were received.

#### **40 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

No questions were received.

#### **41 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 29 OCTOBER 2015**

**RESOLVED** that the Minutes of the meeting held on 29 October 2015 be confirmed and signed as a correct record.

#### **42 PLANNING APPLICATION - (15/03136/FULL1) - 25 ELMFIELD ROAD, BROMLEY BR1 1LT (CONQUEST HOUSE) - BROMLEY TOWN WARD**

Description of application - Demolition of existing building and erection of 12/13 storey mixed use building to comprise commercial 881.5 sqm (GIA/retail floorspace at ground and part first floor level (Class A1/A2/A3/B1) and 69 residential units at upper floors (27 one bed, 31 two bed and 11 three bed), 46 car parking, 132 cycle parking, refuse stores and landscaping and other associated works.

The Planning Development Control Officer reported that Members should have received an e-mail from the applicants containing a letter and legal advice note which made reference to a cross-section comparing the previous and current proposals which were not included so a copy of the submitted cross-section had been placed in front of Members. It was confirmed that consideration of the contents of the submission, did not result in any alteration to the officer recommendation except for a very minor alteration to the initial sentence of the first recommended ground for refusal which was amended to read:- "The site is not a suitable location for the *proposed* tall building.". The submission suggested that the report did not provide an analysis of the planning balance of the advantages and disadvantages of the scheme. Whilst it was considered that the report provided detailed analysis of the relevant issues, to avoid any ambiguity in light of the applicant's submissions, the on balance recommendation set out in the report was based on the weighing up of the potential contributions of the development to housing provision including affordable housing, the town centre environment, Business Improvement Area and employment floorspace versus the harm that would be caused by the size and design of the building and its impact on the surrounding area including residential amenity.

A number of late objections had been received in relation to the revised details submitted in November, the majority of which confirmed that the amendment had not altered residents' views; in particular, several residents pointed out that overlooking would still be possible from recessed balconies.

The following inaccuracy on page 26 of the Committee report was noted:- The increase between the appeal scheme and the current submission (the latest version with new façade) was related to habitable rooms NOT the number of windows. The application scheme (both the original submission and the amended drawings) had 46 habitable rooms overlooking the Palace Estate, the Appeal scheme had 44. This was an increase despite the lower height.

The reference made to 7 affordable units on page 30 of the report was now out of date as the applicants were proposing 10 in accordance with the Council's independent viability assessment.

Further comments had been provided by Transport for London who were disappointed that the car parking provision had not been reduced from 46 spaces; they therefore requested a Car Parking Management Plan be implemented to monitor usage of the spaces. They were also disappointed with the Electric Vehicle Charging Point provision and requested this be increased to meet London Plan standards. A planning condition concerning the demountable car stacker was also requested. TfL were satisfied that the cycle parking provision of 132 spaces was in line with London Plan Standards.

The following oral representations were received from Mr Will Edmonds, agent in support of the application:-

- Members had been provided with a copy of a letter from the Managing Director of Taylor Wimpey together with the legal opinion of Leading Counsel.
- It was critical for Members to have full regard to the previous appeal decision with the only relevant question being whether the reduction in height and scale of the development was sufficient.
- Redevelopment of the site would bring substantial capital investment to the town centre and New Homes Bonus to the Borough. It would also provide significant improvements to the surrounding public realm.
- The three reasons for refusal as set out in the report of the Chief Planner were wholly unjustified and not supported by analysis. The development would not give rise to impact on the residents of Palace Estate. The architectural design of the building was excellent with a high quality of materials being used. The applicant had gone to considerable lengths, by way of discussions with Ward Members and officers, to address the issues of height and scale.

The Chairman referred to the Planning Inspector's Appeal Decision which stated the previous proposal's excessive height would result in an unduly overbearing new building that would damage, unacceptably, the living conditions of nearby residents. This contradicted Mr Edmonds' view that no impact would arise on residents of the Palace Estate. Mr Edmonds disagreed with this statement.

The following oral representations in objection to the application were received from local resident, Mr Steven White:-

- Of the 134 responses to the application, only one resident was in favour of the scheme.
- The height, scale and mass of the development would result in an overbearing dominance of the surrounding area and would tower above neighbouring Rafford Way and Palace View.
- There were numerous technical reasons why the application did not apply to planning standards.

Oral representations in objection to the application were received from Ward Member Councillor Will Harmer. Councillor Harmer acknowledged that Mr Edmonds had been forthcoming in meeting with Ward Members and officers. He also congratulated the planning officer's excellent report which addressed all relevant points individually. In relation to the current application, even with the reduction in height to 12 storeys, this would still be an inappropriate

building for this particular site and whilst redevelopment was needed, the proposals did not outweigh the three reasons for refusal. There was a lack of architectural merit to the proposed building which consisted of a small square block giving the appearance of being squat and slab-like. The strongest objection and the most important reason for rejection, related to the resulting impact on the residential amenity of the surrounding area. As required by the Area Action Plan, this application would be out of balance with its surroundings.

Councillor Dykes fully endorsed the three recommended reasons for refusing the application. The site was inappropriate for a tall building and the revised proposals had failed to address the Planning Inspector's concerns raised in his comments that the proposals would have an unacceptably damaging impact on local residential amenity. The Inspector also stated that the perception of 'eyes in the sky' would add to the damage caused to residential amenity; this would still be the case even with the current reduction in height. The architectural design of the building was unattractive and would not sit well in an area surrounded by residential houses. The correspondence received from Taylor Wimpey appeared to contain only selective text. For the reasons mentioned above, Councillor Dykes moved that the application be refused.

In seconding the motion for refusal, Councillor Michael commented that whilst there was a time and a place for tall buildings, this site was not one of them. The design and style of the building was of poor quality and unattractive and its drabness would only contribute to what was already a dark and gloomy street.

It was suggested that should the application be refused and a second appeal submitted and lost, then the Council should formally seek costs from the applicant.

**Members having considered the report, objections and representations, RESOLVED that PERMISSION BE REFUSED as recommended, for the reasons set out in the report of the Chief Planner with the first sentence of condition 1 being amended to read "The site is not a suitable location for the proposed tall building."**

**43 LOCAL PLAN DRAFT ALLOCATIONS, FURTHER POLICIES  
AND DESIGNATIONS CONSULTATION  
SEPTEMBER/OCTOBER 2015 INITIAL REPORT**

**Report DRR/113**

Members considered the consultation process undertaken in September/October 2015 in respect of the Local Plan 'Draft Allocations, Further Polices and Designations' document. The scale of response was substantial, with over 1,100 individual responses being received, many covering a number of sites/policies and designations. A further report setting out the key issues arising from the consultation and their implications for the

Local Plan, would be brought to future meetings of the DCC and the Executive.

**RESOLVED that:-**

- 1) the consultation process undertaken with regard to the Local Plan 'Draft Allocations, Further Policies and Designations' document be noted; and**
- 2) the scale of the response be noted with a further report being brought to DCC and the Executive analysing the responses and their implications for the Local Plan.**

**44 LOCAL GREEN SPACE**

**Report DRR15/112**

Member agreement was sought on the proposed process for inviting sites to be nominated by local communities to be assessed as Local Green Space (LGS) by the Council. The process would include a six week consultation period on the draft criteria for the assessment of potential LGS sites and a revised Draft Local Green Space Policy. The suggested approach was triggered by the Executive decision made on 15 July that a petition to designate Bull Lane allotments as Local Green Space should be taken into consideration as a formal submission as part of the Local Plan process.

It was reported that designation of Local Green Space could only be applied through the plan making process. Should a suggested site already be protected, e.g. designated as Green Belt, it was unlikely that designation would bring additional benefits to the site and that it would be taken forward as local green space.

Councillor Michael believed this to be a positive move and one which should be pursued. However, she also drew Members' attention to the fact that not all land would remain protected if very special circumstances were proven for development of a particular site.

Councillor Bosshard was pleased with the introduction of the LGS as a way of protecting green space for local community use. The Executive Committee's decision in July 2015 that a petition to designate Bull Lane allotments as Local Green Space should be taken into consideration has only just reached the six-week consultation stage; as this would need to be incorporated into the Local Plan, officers were asked if the process could be accelerated.

**RESOLVED that the Executive Committee be recommended to endorse:-**

- 1. the proposed local criteria for assessing potential sites for the Local Green Space designation and the revised Draft Local Green Space Policy for consultation; and**

2. **the process for inviting local communities to submit sites for consideration as Local Green Space and comment on the revised Draft Local Green Space Policy.**

#### **45 REVISIONS TO THE STATEMENT OF COMMUNITY INVOLVEMENT (SCI)**

##### **Report DRR15/109**

The Council adopted the current Statement of Community Involvement (SCI) in 2006 when it was one of the statutory documents required to be produced as part of the plan-making process. The SCI sets out the Council's approach to the consultation undertaken as part of the planning application process as well as the Local Plan process.

It was necessary to amend the current SCI to reflect the various legislative and regulatory changes that had taken place since 2006. It also highlighted the technological advances made in the Council's consultation process and the pressure on resources.

**RESOLVED that the draft Statement of Community Involvement (SCI) be endorsed for the Executive to agree for public consultation.**

#### **46 LOCAL DEVELOPMENT SCHEME 2015-17**

##### **Report DRR15/110**

Members considered an amended Local Development Scheme (LDS) for 2015/17 which set out a revised timescale for the preparation of the Local Plan for the Borough. It also showed an indicative timescale for the preparation of a local Community Infrastructure Levy and a new Planning Obligations Supplementary Planning Document (SPD).

Referring to page 102 of the report and noting the omission of the updated SPG in relation to the Petts Wood Area of Special Residential Character (ASRC), Councillor Fawthrop sought assurance from officers that this would be included in the Local Plan document.

**RESOLVED that the Executive be recommended to approve the revised Local Development Scheme for 2015/2017 as the formal management document for the production of the Bromley Local Plan.**

#### **47 DELEGATED ENFORCEMENT ACTION (JULY-SEPTEMBER 2015)**

##### **Report DRR15/114**

The report provided an update on enforcement activity undertaken from July-September 2015.

**RESOLVED that the report be noted.**

**The Chairman moved that the following report, not included in the published agenda, be considered as a matter of urgency on the following grounds:**

The report sought Members' approval to add a condition to the unissued Listed Building Consent for the Old Town Hall. The condition was omitted in error when the application was previously considered and granted by Members at the DCC meeting held on 8 September 2015.

If Members agreed to the additional condition, officers could then proceed with issuing a decision notice.

**48 (15/00151/LBC) - OLD TOWN HALL, 30 TWEEDY ROAD, BROMLEY BR1 3FE**

On 8 September 2015, the Development Control Committee granted Listed Building Consent for renovation and new build works for the Old Town Hall. The application was approved subject to conditions however, a condition requiring secure matching of internal and external works for making good was omitted in error. To enable officers to proceed with issuing the decision notice, Members were requested to include this condition and grant Listed Building Consent as previously agreed.

It was reported that discussion had taken place with the applicant who was satisfied that the condition be included.

**RESOLVED that Listed Building Consent be GRANTED as previously agreed, with the inclusion of the additional condition as set out in the report.**

**49 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 is 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.

**50 EXEMPT MINUTES OF THE MEETING HELD ON 29 OCTOBER 2015**

**RESOLVED that the exempt Minutes of the meeting held on 29 October 2015 be confirmed and signed as a correct record.**

The meeting ended at 8.15 pm

Chairman