

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 26 July 2012

Present:

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

Also Present:

Councillors Julian Benington

11 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Russell Jackson.

12 DECLARATIONS OF INTEREST

Councillor Simon Fawthrop declared a personal interest in Item 5 as an employee of British Telecom.

13 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 28 JUNE 2012

As a matter arising from the Minutes, the Chief Planner referred to Item 7b (page 10) - Options Paper for Gypsies & Travellers and Travelling Showpeople. He reported that as requested by Members, a letter had been sent from the Chairman to local MPs and the Secretary of State outlining their views with regard to the provision of sites for gypsies, travellers and travelling showmen and the protection of Green Belt land.

RESOLVED that the Minutes of the meeting held on 28 June 2012 be confirmed and signed as a true record.

14 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

15 PLANNING REPORTS

The Committee considered the Chief Planner's reports on the following planning applications:-

Item No.	Ward	Description of Application
5.1 (page 15)	Kelsey and Eden Park	(12/00976/OUT) - Demolition of existing buildings and comprehensive phased mixed use development of up to 37,275sqm (gross external area) comprising up to 35,580sqm Class C3 dwellings (up to 179 houses of different sizes and tenures including garages (including up to 79 affordable units)), up to 620sqm Class D1 (Non-Residential Institutions), up to 1,040sqm Class D2 (Assembly and Leisure) (including retention of existing pavilion and erection of replacement score hut), including reprofiling of site levels, creation of attenuation lake, estate roads and pedestrian/cycle paths, open space, car parking, hard and soft landscaping, security access lodge and infrastructure works including substations. Use of pavilion building (permitted for staff restaurant/sports club/library, education and resource centre and general purpose meeting room) within Class D2 (Assembly and Leisure) in conjunction with adjacent playing field without any specific use/occupier restrictions (as set out in condition 03 of permission ref. 98/01103/FULL PART OUTLINE at GlaxoSmithKline, Langley Court, South Eden Park Road, Beckenham.

Oral representations in support of the application were received from Mr Martin Bellinger, agent on behalf of the applicant.

Mr Bellinger raised the following points:-

- In-depth consultation had been undertaken with the local community incorporating community planning days, feedback from consultees, one-to-one meetings and the use of social media and dedicated web sites.
- The applicant's aim was to create a high quality development which complimented the surrounding area.

Referring to concerns raised by Members at the site visit on 14 July 2012, Mr Bellinger reported the following:-

- Subsequent to the visit, the applicant's architects had examined the layout of the parking provision and were confident that further parking spaces could be provided which would have no impact on the current scheme.
- The anticipated off-site housing contribution in the form of a S106 Agreement had been negotiated with officers and an amicable solution had been reached.

- A further financial contribution could be made to the Local Authority to facilitate finding alternative employment sites within the Borough.

Members were informed that an average of 2 personal parking bays would be allocated to each property within the southern apartments and 1 parking space (the minimum required by the Local Authority) allocated to each of the smaller affordable housing units. Councillor Fawthrop was pleased to note that parking issues had been resolved.

Having received confirmation that the applicant would be agreeable to the removal of permitted development rights for the site, Councillor Fawthrop moved and Members agreed, that a condition in this regard be added to the existing conditions if the application were to be granted.

Mr Bellinger confirmed to Members that a significant number of trees on the site would be retained with the removal of just two Category C trees. A full survey had been undertaken with which the Tree Officer had agreed. The layout of the development included a significant amount of landscaping including the provision of replacement trees.

Referring to the high-tech culture of present times, Councillor Fawthrop asked if provision would be made for the installation of fibre optic broadband. Mr Bellinger replied that such facilities were usually guaranteed in locations such as this.

Mr Bellinger hoped to increase the amount of car parking spaces allocated to the GP's surgery.

Members were informed that as badgers were a protected species, strict requirements would be adhered to by the applicant when closing off the badger sett.

Oral representations from visiting Member, Councillor Julian Benington were received at the meeting. Councillor Benington raised the following points:-

- With regard to the assessment on saved policy EMP5 criteria (page 20), although DTZ consultants were employed by the Council, they had not carried out an independent valuation.
- As major industrial land, the Council had received a final business rate income of £436,500; this was significantly higher than the approximate £300,000 which would be received by way of Council Tax if the application were to be granted.
- As employment land, the site should be protected. Referring to page 28 (paragraph 2), it was noted that the DVA report had been completed before the sale of the land and therefore, the comments set out within the report raised some issues.
- There appeared to have been limited marketing of the site since 1999.

- Although DTZ consultants had identified the loss of employment land, there were no alternative sites of the same size within the Borough suitable for employment use.

The following was reported by the Chief Planner:-

- The application was amended by documents received on 11 June 2012.
- Comments had been received from the GLA who were satisfied with the assurances regarding Metropolitan Open Land and encouraged the Local Authority to address certain issues by way of conditions.
- Comments had been received from the Environment Agency who suggested the insertion of a buffer zone scheme condition.
- Unicorn School had requested that problems of demolition must be adequately dealt with and requested assurances that the applicant would pay an education contribution.
- Comments from the Head of Housing Development and Strategy had been circulated to Members.

Referring to the employment land advice from DTZ, the Chief Planner read Policy EMP5 and reported that initially a strong view had been taken by the Council on not permitting a change of employment use. Realistically however, the wider interests needed to be taken into account and a more balanced view taken. DTZ had reviewed the details submitted by the applicant and had then reviewed the policy before submitting their own comments.

Marketing of the site had been undertaken by JLL in 2008 prior to GlaxoSmithKline vacating the site. DTZ were satisfied that due to the lack of interest with regard to employment use, the Local Authority would not have a case for refusal on Policy EMP5 alone. The best way to protect employment land was via a contribution from the applicant; therefore, if the application was granted, the employment conditions would need to be amended.

The Chairman thanked Essential Land for the work undertaken by them during the consultation process and made the following comments:-

- The loss of commercial land - There had been no success in marketing the land. The applicant was aware when buying the site that it was solely employment land however, for the purpose of the application, sufficient evidence had been provided to support a change of use. Agreement for a contribution to the Local Authority to facilitate finding alternative employment sites had been reached. It was, therefore, inappropriate for Members to refuse the application solely on the grounds of loss of commercial land.
- It would also be difficult to refuse the application on development grounds because the proposed parking facilities matched the required standards, there was a generous level of amenity space, the buildings were aesthetically pleasing to the eye and a large amount of Metropolitan Open Land would be retained for leisure use.

- A traffic assessment had concluded there would be less road use.
- Local schools would benefit from the S106 education contribution.

The Chairman and Members agreed that, if the application was approved, an informative should be added suggesting that the number of GPs at the proposed surgery be increased from 2.5 to 3.

The Chairman and his fellow Ward Members all supported the application and the Chairman moved that the application be granted.

During consideration of the application, Councillors Auld, Arthur, Michael, Ince and Mellor agreed with the inappropriateness of refusing solely on the grounds of loss of employment use.

Councillor Fawthrop seconded the motion for permission subject to the following:-

- a further condition should be included to restrict permitted development across the entire site; and
- an informative be added suggesting that methods to facilitate the installation of fibre optic broadband be made available to residents of the properties.

Councillor Michael submitted the following comments:-

- The scheme was imaginative and attractive.
- The S.106 contribution for social housing was good.
- Parking was adequate.
- None of the development would be built on Metropolitan Open Land.

Councillor Michael commended the applicant on its involvement with the local community during the consultation period.

Councillor Mrs Manning was pleased to note the inclusion of a condition with regard to a buffer zone scheme for back gardens.

Councillor Mellor made the following comments:-

- There would be no current loss of jobs;
- The site had failed to be marketed;
- The spatial standard of the homes was very good and would enhance the area;
- The employment contribution paid via a S106 Agreement be ringfenced towards finding future industrial sites elsewhere in the Borough.

Following a unanimous vote of 17-0, Members **RESOLVED** that **PERMISSION BE GRANTED** as recommended, subject to the prior completion of a legal agreement and subject to the conditions and

informatives set out in the report together with the following amendments and additions:-

1) Conditions 6 and 9 (concerning trees), to be deleted.

2) The following conditions to be incorporated:-

i) Prior to the commencement of each Reserved Matters area of the development (excluding demolition) hereby permitted a scheme for the provision and management of a buffer zone alongside the watercourses within each reserved matters area, shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme should be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. Where the masterplan incorporates features such as fencing and domestic gardens into the buffer zone, they should be designed so as not to impact the watercourse. The scheme shall include:-

- plans showing the extent and layout of the buffer zone;
- details of any proposed planting scheme (for example, native species);
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term, including adequate financial provision and named body responsible for management plus production of detailed management plan;
- details of any proposed footpaths, lighting etc;
- details of any proposed fencing. Fencing should be situated as far as possible from the top of the bank where it forms the boundaries to gardens to avoid future issues with bank stabilisation and to protect the watercourse.

Reason: Development that encroaches on watercourses has a potentially severe impact on their ecological value, for example, artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.

(ii) No development (excluding demolition) shall commence until details of a play strategy have been submitted to and approved by the local planning authority. The play space shall be provided in accordance with the approved details and shall be retained permanently thereafter.

Reason: In order to comply with Policy 3.6 of the London Plan.

(iii) No development (excluding demolition) shall commence until details of an inclusive access strategy for the development have been submitted to and approved by the local planning authority.

The access strategy should illustrate how disabled people will be able to navigate the public realm inclusively, access buildings safely and demonstrate how levels and gradients would be managed appropriately. It should also demonstrate how the treatment of shared surfaces would be managed to avoid unnecessary risks to the visually impaired or other disabled people.

Reason: In order to comply with Policy 7.2 of the London Plan.

- (iv) Before any works on site are commenced (excluding demolition), 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 25% 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 suitable noise attenuation for the schemes and filtration and purification to control odour, fumes and soot emissions of any equipment as appropriate unless otherwise agreed in writing by the Authority.

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

- (v) Notwithstanding the commitment in the Development Specification of June 2012 to provide 152 carparking spaces for the southern, northern and entrance apartments (at a ratio of 1.32 spaces), prior to commencement of the development (excluding demolition) plans and details are to be submitted to and approved by the local planning authority in writing showing how parking can be provided to provide a minimum of 1:1 carparking spaces for all the units in the apartments plus visitor parking, totalling no less than 152 spaces. The approved plans and details are then to be implemented in full unless agreed otherwise by the local planning authority.
- (vi) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the design concept of the development is not compromised and to comply with Policy BE1 of the Unitary Development Plan.

The following two informatives should also be incorporated:-

1. The applicant be requested to aim to provide for 3 general practitioners and adequate parking for the medical centre by the time that the residential development is occupied.
2. The applicant is advised to ensure that adequate access to the internet is facilitated throughout the development.

16 BROMLEY LOCAL PLAN

In May 2012, the Local Development Plan Advisory Panel (LDPAP) agreed that work undertaken in preparation of the Core Strategy be incorporated into a Bromley Local Plan to comply with the Government's Planning Reforms. At a Development Control Committee Meeting also held in May 2012, Members considered and agreed the preferred strategy and options in relation to housing, gypsies and travellers and the Green Belt which would form the major part of the Living in Bromley section of the Local Plan. Members were now requested to agree the preferred strategy and options with regard to the remaining main theme areas of the Local Plan. In early September, the draft Options and Preferred Strategy document would be reported to the Executive and approval would be sought for a six-week public consultation period.

Each option was considered as follows:-

Appendix A - Living in Bromley

Options 1a-1b - Councillor Ince was unsure of the suggested preferred option as areas within his Ward (Cray Valley West) would require regeneration rather than renewal. The Head of Planning Strategy and Projects responded that Option 1 was preferred as it encompassed a broader range of areas.

Options 2a-2b - No comments.

Option 3 - No comments.

Appendix B - Supporting Communities

"Bromley 2030 Vision", third line: - The word 'choice' should be replaced with a suitable alternative.

Options 1-1a - No comments.

Option 2 - No comments.

Option 3 - No comments.

Option 4 - One Member queried whether the recently acquired cemetery at Sidcup By Pass would create sufficient capacity without the need to seek

further sites. It was reported that advice given by officers was that further sites would be required over the lifetime of the plan.

Paragraph headed 'Options for Education' (page 16) - as the initial paragraph did not include reference to selective schools, the words 'Academies and Free Schools' should be deleted

Options 5-5b - With regard to Option 5b, the Chief Planner reported that the Local Authority would not be able to decide which educational establishments took on certain sites.

Option 6 - No comments.

Option 7 - No comments.

Options 8a-8b - No comments.

Option 9 - No comments.

Option 10 - No comments.

Paragraph headed 'Development Management Policies' (page 17) - With regard to specific protections for facilities important to local communities, Councillor Michael suggested that libraries be added to the list.

It was also reported that at a meeting of the Local Development Framework Advisory Panel, Members had requested that the heading 'Development Management Policies' be changed to 'Development Control Policies'.

Appendix C - Getting Around - Working Draft

Policy Options - Visions

- Amend first sentence to read: 'Moving around the borough is easier due to reduced road congestion and improved public and *private* transport networks.'
- 5th line, amend sentence to read along the lines of: 'Any new development *might* where appropriate, include electric vehicle charging points and there are more car clubs, increasing choices for local people.'

2nd paragraph, page 20 - Discussion about uncluttered streets took place.

Officers should ensure that every option throughout Appendix C was marked as either 'preferred' or 'not preferred'.

Options 1a-1d - No comments.

Options 2a- 2b - No comments.

Option 3 - No comments.

Option 4 - Amend first sentence to read: 'To promote the safe use of cycling, walking, public *and private* transport to improve access to services for all.

One Member suggested that the Mayor should consider car parking with the use of Oyster Cards.

Option 5 - No comments.

Option 6- No comments.

Option 7 - No comments.

Option 8 - No comments.

Option 9 - No comments.

Option 10a-10d - One Member preferred option 10d as no funds were available to carry out DLR extensions.

The Chief Planner reported that Option 10d was not the preferred option of LDAFP Members. Two possible further options were raised.

Appendix D - Bromley's Valued environments - Working Draft

No comments.

Appendix E - Working in Bromley - Working Draft

Option 1A - The Chief Planner would check and confirm to Members the precise location of Footscray Business Area.

Options 2A- 2B - No comments.

Options 3A- 3C - No comments.

Options 4A-4D - No comments.

Options 5A-5E - No comments.

Option 1A.1 - The Chief Planner explained the background to the High Court challenge with regard to Site A and informed Members that the Local Authority had been instructed to do what was set out in option 1A.1.

Options 2A.1-2A.2 - No comments.

Options 3A.1-3A.3 - In option 3A.2, 'designated' should be replaced by 'review' or 'recognise' as Members were concerned that the word 'designated' could be open to interpretation. Councillor Papworth suggested that Option 3A.2 should not be the preferred option at all.

Options 4A.1-4A.3 - No comments.

Options 5A.1-5A.2 - No comments.

Appendix F - Environmental Challenges - Working Draft

Options 1A-1B - Councillor Fawthrop commented that people who worked from home contributed substantially to the reduction in carbon emissions and suggested that reference could be made to the provision of adequate access to the internet was made available to all homes.

Options 2A-2C - No comments.

Options 3A-3B - No comments.

Options 4A-4B - No comments.

Options 5A-5B - No comments.

Options 6A-6B - No comments.

Options 7A-7B - No comments.

RESOLVED subject to the comments and amendments suggested above that:

- 1) the policy options as set out in the paper and appendices be incorporated in the Local Plan Options and Preferred Strategy Consultation document; and**
- 2) the basis of the consultation process for the Options and Preferred Strategy stage of the Bromley Local Plan be agreed.**

ANY OTHER BUSINESS

A briefing note was circulated to Members informing them that the Department of Communities and Local Government had published three consultation papers together with a departmental response to an earlier consultation paper. The four papers related to:-

- a) Relaxation of planning rules for change of use from Commercial to Residential - Summary of consultation responses and the Government response to the consultation.
- b) Statutory Consuler performance and Award of Costs - Consultation.
- c) New opportunities for Substantial Development and Grants Through the Reuse of Existing Buildings - Consultation.

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d) Streamlining Information Requirements of Planning Applications.

It was agreed that Members would consider the documentation and report any comments they may have to the Chief Planner. The consultation period would end on 11 September and the Chairman's response to the consultations would be reported to the September meeting of the Development Control Committee.

The Meeting ended at 9.40 pm

Chairman