

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held at 7.30 pm on 20 September 2012

### **Present:**

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

### **Also Present:**

Councillors Robert Evans, Roxhannah Fawthrop, Peter Fortune  
and Colin Smith

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

An apology for absence was received from Councillor Lydia Buttinger. An apology for absence was also received from Councillor Russell Jackson; Councillor William Huntington-Thresher attended as his substitute.

### **18 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **19 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 26 JULY 2012**

Item 5.1 - Planning Application by GlaxoSmithKline, page 17

Councillor Mellor requested confirmation that action was progressing with regard to his suggestion that the employment contribution paid via a Section 106 Agreement be ringfenced towards finding future industrial sites elsewhere in the Borough. He was informed that the Section 106 Agreement was currently being negotiated and that further updates would be sent when available.

**RESOLVED that the Minutes of the meeting held on 26 July 2012 be confirmed and signed as a true record.**

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

No questions were received.

## 21 PLANNING REPORTS

Members considered the following planning application report:-

Item No.	Ward	Description of Application
5.1 (page 13)	Cray Valley East	(12/01388/OUT) - Football stadium (capacity 5,153) including club facilities comprising changing rooms, offices, club shops, food and bar facilities and conference/function rooms; fitness centre including 20m swimming pool and multi-use arena, crèche, outdoor all weather full-size football pitch, 115 bedroom hotel including restaurant, 182 residential dwellings, landscaping, widening of Sandy Lane, formation of vehicular access including roundabout, internal access roads and pedestrian routes at <b>land adjacent to 6 Home Farm Cottages, Sandy Lane, St Paul's Cray, Orpington.</b>

Oral representations were received from Mr Gary Hillman, Chairman of Cray Wanderers Football Club. Mr Hillman submitted the following points in support of the application:-

- This was a unique site and a unique opportunity for Bromley.
- There was no possibility of the development encroaching onto Green Belt land as the site was landlocked.
- Public pathways would be improved and new public transport links would be introduced to the area.
- An Environmental Impact Assessment had been completed.
- Unique very special circumstances existed for developing the land.
- The Club's current lease would expire in 2014 at which point an alternative site would need to be sought.
- St Paul's Cray needed regenerating and the development would benefit the area.
- 1,100 letters in support of the application had been submitted.
- Many applications to develop Green Belt land had been approved for sporting purposes.
- The application was in outline form only so there was room for manoeuvre with regard to social housing, car parking etc.

In response to questions from Members, Mr Hillman reported that discussions had taken place with Transport for London to introduce a bus route into the area, however the financial aspect of this had not been raised. Transport links would be essential to accommodate hotel patrons, employees, residents and users of the leisure facilities. A total of 14 alternative locations had been looked at however, the application site was well situated next to the A20 motorway and within walking distance for local people.

Oral representations were also received from Ward Member Councillor Peter Fortune who, before submitting his comments, thanked Mr Hillman and Cray Wanderers Football Club for the great work they carried out within the community.

Councillor Fortune made the following comments:-

- The proposed application had been debated for some time and residents had been consulted on the issue.
- Whilst it would be beneficial for the Club to move back to the area, the proposal was for development of Green Belt land which should be protected.
- A total of 2,500 leaflets had been delivered to local residents with a response rate of 3%. Over 90% of the responses were in objection to the application.
- Local residents took great pride in the community however, St Paul's Cray had a fragile infrastructure and local people sought projects of regeneration not obliteration.
- Rural identity was important and needed to be protected.

The Chief Planner informed Members that a letter of support had been received from the applicant's agents. The letter contained responses to the objections which the current application raised and attempted to demonstrate how the proposal would overcome outstanding issues on each of the recommended reasons for refusal.

The Chief Planner also reported that a further 210 objections had been received since publication of the report including three via Ward Member Councillor Peter Fortune. Old St Paul's Cray Village Residents Society objected on the grounds that the development was inappropriate, Jones Lang LaSalle on behalf of Crayfields Business Park was not persuaded that very special circumstances had been proven, Bromley Education Business Partnership did not express an opinion other than to note that Cray Wanderers had provided valuable work experience in the community and Environment and Highways commented that if the application were to be approved, problems resulting from noise, traffic fumes, lights and general disturbance would change the character of the area. Following receipt of an acknowledgement from the Council, 6 people had contacted the planning section to withdraw their objections.

Sport England supported the development purely on the sporting aspect of the application.

Councillor Ince paid tribute to the Club for the work they had undertaken within the community. He made the following comments:-

- Whilst wishing to see the Club return to the Crays, he could not support the application. The very special circumstances put forward by the

applicant were not convincing and the proposed site was situated on a large piece of Green Belt land.

- This particular site had been selected because of the additional space available on which to develop a housing scheme.
- The Planning Policy Framework indicated the need to keep land open and to prevent neighbouring towns encroaching upon one another.
- The proposed site appears scrub-like and unattractive however Ruxley Lakes and beyond was a very important ecological site and nature zone and a fragile area of biodiversity.
- There were clear differences between the regeneration of Dartford and that of Cray Village.
- Although the development could bring a boost to the local economy, it would be minimal and unquantifiable.
- The proposed housing scheme appears cramped and there would be a lack of doctors' surgeries and education options within the area to support new residents.
- The site was located in a low PTAL area so most journeys would be undertaken by car. The surrounding roads were country lanes and not built to carry so much traffic.
- Brighton and Hove Albion Football Club was developed on protected land but was tucked away off the A27. By comparison, the proposed site for Cray Wanderers was located alongside a country lane.
- Whilst Kent County Cricket Club was permitted to erect 45 houses on Metropolitan Open Land, the location itself was an infill site rather than an open area.

Councillor Fawthrop was concerned that the proposed floodlighting would have an impact on the site of scientific interest. The land also acted as a buffer which, if opened up, could become an area for fly tipping etc.

Councillor Mrs Manning stated that the development would be surrounded by Green Belt land and the occupiers of the housing scheme would be terribly isolated with no possibility of transport being brought to the site. The development was therefore totally inappropriate and Councillor Mrs Manning supported refusal.

Councillor Michael commented that although promoted for sports purposes, in reality the application was for a commercial development comprising a sporting element. No very special circumstances had been proven and a dangerous precedent would be set if the application was to be granted permission.

Councillor Fookes agreed with the recommendation to refuse the application but proposed that the Executive assist the Club in finding a suitable alternative site.

Following a unanimous vote, Members **RESOLVED that PERMISSION BE REFUSED** as recommended, for the reasons set out in the report of the Chief Planner.

Members considered the following planning application report:-

Item No.	Ward	Description of Application
5.2 (page 51)	Orpington	Description amended to read: - "(12/02027/FULL1) - Erection of part 4/part 5 storey building to provide 3 x A3 (Restaurant/Café) units, cinema lobby area and 4 x A1 (retail) units on the ground floor and 7 screen (950 seat) cinema on the upper floors, together with plant, servicing and refuse area at rear and creation of new square with associated landscaping at <b>The Walnuts Shopping Centre, High Street, Orpington.</b>

Oral representations were received from Mr David Roach, agent acting on behalf of the applicant. Mr Roach submitted the following points in support of the application:-

- There was a demand for modern retail units in Orpington.
- The proposal comprised well-known family chain restaurants.
- Existing walnut trees would be replaced.
- Improvements would be made to the open air market.
- The scheme would be completed by the end of 2013.
- The proposal was a unique opportunity for employment and regeneration of the area.

In response to questions from Members, Mr Roach stated that discussions had taken place with high quality restaurants and stores who had shown interest in opening units at the site should planning permission be granted.

There were current issues with root growth from the two existing walnut trees and there was no alternative location for them to be moved to. As both were classified Category C trees, they would be removed and replaced with two mature trees.

The Chief Planner reported that Highways had suggested the addition of a standard condition relating to a Car Park Management Plan to secure extended opening hours for the Walnuts car park and a further condition relating to a Construction Management Plan.

English Heritage recommended the approval of the archaeological report and the imposition of a condition.

The Principal Tree Officer had suggested that provision would need to be made for the replacement of the two sycamore trees at the rear of the site.

Members noted that a separate application had been submitted for the demolition of Crown House and for this reason, the description of the current

application had been amended to omit the wording 'Demolition of Crown House and'.

The application had been amended by plans received on 18 September 2012 showing an escape stair enclosure on the western elevation at full height (to correspond with floor plans originally submitted).

Should the application be granted, the following additional conditions were suggested:-

Details of a scheme for the management of the car park shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is first occupied and the car park shall be operated in accordance with the approved scheme at all times unless previously agreed in writing by the Authority.

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.

Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

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

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: In order to safeguard the archaeological interest of the site.

INFORMATIVE

The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with appropriate English Heritage guidelines.

Condition K09 to be deleted.

The Secured by Design condition be amended to read as follows:-

'The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific needs of the application site and the development. Details of these measures shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted and implemented in accordance with the approved details. The security measures to be implemented in compliance with this condition shall achieve the "Secured by Design" accreditation awarded by the Metropolitan Police'.

Reason: In the interest of security and crime prevention and to accord with Policy BE1 of the Unitary Development Plan.

Condition 12 to be amended to read:-

'At any time the noise level from any plant (including ventilation, extraction and air conditioning plant) in terms of dB(A) shall be 5 decibels below the relevant minimum background noise level (LA90 15mins) measured at the nearest noise-sensitive building, unless previously agreed in writing by or on behalf of the Local Planning Authority. If the plant has a distinctive tonal or intermittent nature the predicted noise level of the plant shall be increased by a further 5dBA. (Thus if the predicted noise level is 40dB(A) from the plant alone, and the plant has a tonal nature, the 40dB(A) shall be increased to 45dB(A) for comparison with the background level. Also the L90 spectra can be used to help determine whether the plant will be perceived as tonal).

Reason: In the interests of the amenities of neighbouring properties and in order to comply with Policy 7.15 of the London Plan.

Councillor Huntington-Thresher welcomed the establishment of a cinema in Orpington and commented on the good balance proposed between retail and A3 restaurant use. He was pleased to note that the walnut trees would be replaced with better specimens. Councillor Huntington-Thresher moved for approval of the application.

Councillor Fawthrop seconded the motion for approval of what he considered to be an excellent application. He was assured that as the development was not visible from the War Memorial it would not be necessary for a condition concerning opening hours on Remembrance Sunday to be imposed.

It was the general consensus of Members that the application would increase footfall to Orpington and enhance the attractiveness and vibrancy of the area.

Following a unanimous vote, Members **RESOLVED** that permission be **GRANTED as recommended, subject to the conditions and informatives set out in the report of the Chief Planner and subject to the addition and deletion of conditions as reported above.**

## **22 PLANNING POLICY CHANGES**

In a written statement released on 6 September 2012, the Secretary of State for Communities and Local Government announced a number of proposed changes to the planning regime covering 10 specific areas. Members considered and commented on the proposed changes paying particular attention to the proposal to undertake a consultation on increasing existing permitted development for extensions to homes and business premises in non-protected areas for a three year period.

The Chairman welcomed the Council's new Deputy Chief Planner, Jim Kehoe to the meeting.

The following comments were submitted by Members:-

Councillor Scoates criticised what he considered to be an outrageous policy decision and commented on the lack of localism involved. With regard to point 4, he asked who would be responsible for deciding whether public sector land was indeed surplus. In order to protect the Green Belt, he was adamant that under no circumstances should land be sold off even if it had been identified as serving no particular purpose.

Points 6 and 7 were referred to as European examples of unnecessary bureaucracy and a real cause for concern.

Councillor Scoates sought justification of how extensions up to 8m long could be permitted without neighbour consultation. The current system allowed people to approach the Council with their objections and they should continue to be able to do so. By implementing this proposal, social cohesion would be ruined resulting in less localism involvement. It was not acceptable to allow the Planning Inspectorate to determine applications or to extend the fast track procedure.

Referring to point 9, Councillor Mrs Manning commented that house extensions caused the most grief to local residents. With the additional increase of permitted development, single storey extensions built up to the boundary would totally destroy the amenities of immediate neighbours and would impact on the amount of garden land being built upon. The statement at point 8 had the potential for weakening Green Belt policy and the protection of domestic gardens was being set aside. Whilst she agreed in principle with point 6, Councillor Mrs Manning was less keen to extend the fast track appeal process and she disagreed entirely with the introduction of permitted development rights to enable change of use from commercial to residential properties.



Councillor Fawthrop was pleased to see Bob Stewart, MP for Beckenham, in attendance at the meeting. Referring to point 9, Councillor Fawthrop remarked that areas of special residential character were not protected areas and as such, if the two end houses in a row of three were to build extensions, it would result in the centre house being totally 'blocked in'. By increasing permitted development rights, the protection of amenities and garden land would be eroded.

Concerning point 6, Councillor Fawthrop stated that all decisions on planning applications should be made by local planning authorities without the option to appeal to the Planning Inspectorate.

Councillor Michael commented that the Green Belt was an intrinsic part of the Borough's make-up and if implemented, the proposed changes would weaken Green Belt policy. Also, the proposal to extend development rights restricted the Council's powers to protect garden space.

Councillor Mellor referred to the Authority's current inability to cope with the housing needs in Bromley. The situation would be exacerbated by the proposal to reduce planning. Councillor Mellor criticised the fact that neighbours and local residents would be unable to express their opinion on applications considered via the fast track appeal system. With regard to the final point, Councillor Mellor emphasised that the economy was in a semi-recession with city jobs also being reduced. Commercial and industrial units remained vacant due to lack of finance not because of problems with planning.

Whilst supporting Members' comments, Councillor Boughey referred to the positive aspects of the changes such as increasing investment in the private rented sector, the provision of additional affordable homes and the intention to help first time buyers.

Councillor Papworth stated that European planning produced a higher standard of development and agreed that a higher level of localism should be introduced. Housing costs had risen above inflation for 30 years and steps needed to be taken to avert the housing crisis before future generations were priced out of the housing market.

Councillor Dykes emphasised the importance of ensuring that the acceleration of large housing schemes be undertaken as a partnership between all parties concerned.

Councillor Huntington-Thresher said that the Council should encourage developers more in order to kick-start development and local economy. He thought the time limit on permitted development should be reduced to one year with a set date imposed for completion.

Councillor Fawthrop pointed out that a lot of development required the infrastructure to go with it and planning decisions made at a local level took this into account. He thought the payment of stamp duty inhibited the mobility

of first and second time home buyers and should be scrapped during points of low economy.

Councillor Fookes agreed with the right of developers to appeal to the Planning Inspectorate if sites were unviable because of the required number of affordable homes.

**RESOLVED that the Leader of the Council and the Chairman of the DCC send a letter to the Secretary of State (copied to local MPs and the Mayor of London), informing him of Members' reaction to the proposed changes. It was FURTHER RESOLVED that a motion be submitted to Council to authorise the Leader and Members of the Executive to take further action on this matter.**

## **23 REPORTS TO NOTE**

### **23a SECTION 106 AGREEMENTS: UPDATE**

Members considered an information report setting out the current position with regard to Section 106 Agreements. Each Section 106 Agreement was recorded in one of three appendices as follows:-

Appendix 1 - agreements including negative/restrictive obligations;

Appendix 2 - agreements including positive non-financial contributions; and

Appendix 3 - agreements including positive financial contributions.

**RESOLVED that the report be noted.**

### Any Other Business

Before bringing the meeting to a formal close, the Chairman reminded Members of the planning update evening to be held on 24 September 2012 which would focus on the Localism Act, the National Planning Policy Framework and the latest changes.

The Meeting ended at 9.13 pm

Chairman