

## **DEVELOPMENT CONTROL COMMITTEE**

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

### **Present:**

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

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

An apology for absence was received from Councillor Kathy Bance MBE;  
Councillor Angela Wilkins attended as substitute.

### **34 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **35 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 25 NOVEMBER 2014**

**RESOLVED** that the Minutes of the meeting held on 25 November 2014  
be confirmed and signed as a correct record.

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

The following question was received from Mr Andrew Brenson in relation to  
Item 5.1 - The Haven, Springfield Road, Sydenham SE26:-

*'Since six additional documents relating to this application were published on  
the Bromley website on 27th and 28th January 2015, and the statutory 14 day  
notice period required by "Paragraph 7(c) of article 13 of the Town and  
Country Planning (Development Management Procedure) (England) Order"  
requires that "the date by which any representations about the application  
must be made... shall not be before the last day of the period of 14 days  
beginning with the date on which the information is published", is it not the  
case that the closing date falls after this meeting and therefore Councillors  
cannot legally hear this application today?'*

The Chairman responded as follows:-

*'The Planning Committee can legally hear this application today.*

*The timeframe given in Paragraph 7(c) of article 13 of the Town and Country Planning (Development Management Procedure) (England) Order relates to publicity for information regarding the initial application as set out in the other parts of Paragraph 7. There is no statutory requirement to consult in relation to amendments to a planning application, although Government advice in the National Planning Practice Guidance is that the Local Planning Authority should consider whether it might be appropriate to re-consult based on a number of criteria including the significance of the proposed changes.*

*The Council on 13<sup>th</sup> January consulted on a number of documents received by the Council on that day seeking comments by 27<sup>th</sup> January. Six additional documents were published on the Council's website between 26<sup>th</sup> and 28<sup>th</sup> January, however none of these documents met the criteria to require re-consultation as the changes either reflected amendments introduced by the 13<sup>th</sup> January documents or were of a minor nature. Therefore there is no restriction on how soon after their publication the Local Planning Authority can determine the application.'*

Mr Brenson questioned the validity of the Chairman's response by referring to a revised landscape document submitted to the Council dated 20 January 2015 which he considered met the criteria for re-consultation. The Chairman informed Mr Brenson that this was not a view shared by the Council.

## 37 PLANNING REPORTS

### 37.1 The Haven Springfield Road, Sydenham, SE26 - DC/14/03991/FULL1

Members considered the following planning application report:-

Agenda Item No.	Ward	Description of Application
5.1 (page 11)	Crystal Palace	Demolition of existing buildings and redevelopment of The Haven and Rookstone House to provide 46 residential units comprising 27 x 4 bedroom houses, 7 x 1 bedroom flats, 6 x 2 Bedroom flats and 6 x 3 bedroom flats, together with 71 car parking spaces, cycle parking provision, refuse and recycling provision, a relocated vehicular access to Springfield Road and landscaping and associated works <b>at The Haven, Springfield Road, Sydenham, London SE26 6HG.</b>

Oral representations in objection to the application were received from Ms Hazel Anderson on behalf of local residents. Ms Anderson submitted the following points:-

It was inappropriate for Members to compare the current scheme against the previously refused application. The site area was 406 sq mtrs less than the figure indicated in the report.

Inadequate consultation had been carried out with residents being excluded from any site visit.

The proposed 3 and 4 storey blocks were higher than the surrounding properties and would result in overlooking, loss of privacy and overshadowing. One-third of the existing trees would be removed and the proposed new boundary trees would provide inadequate screening.

The development would attract a large number of people to the area and additional cars would cause parking and traffic safety issues.

Ms Anderson considered the application to be unacceptable and contrary to the London Plan and requested that Members refuse the application.

Oral representations in support of the application were received from Mr Simon Chadwick, Managing Director of Signet Planning and Mr Mark Chapman, Architect at Dunnett Craven. The following points were made:-

The report to Committee was comprehensive and dealt with all the relevant issues in terms of policy and related considerations. Members were aware they refused an earlier application on the site for 107 units the previous year and Kitewood has been working with officers to overcome the six reasons for refusal issued in relation to that scheme as outlined below:-

Reason 1 was about future tree loss and the Tree Officer has agreed this matter had been overcome.

Reason 2 alleged lack of information on ecology. The Ecological Consultant had agreed there was now sufficient information.

Reasons 3, 4 and 5 related to concerns about overdevelopment, design and layout and impact on amenity. The scheme had reduced in number to 46 units from 107 so was now at the lowest end of the indicative density range for housing on the site. There had been significant reduction in built form and officers' suggestions about design changes had been taken on board. All three reasons had therefore been overcome because of the reduction in built development and consequent design changes.

Reason 6 related to car parking and the maximum amount of car parking permitted by the Council's policy had now been provided.

It was therefore considered that all previous reasons for refusal that been overcome.

Mr Chadwick and Mr Chapman responded to Member questions as set out below:-

- If the current application was approved, the appeal against refusal of the previous application would be withdrawn.
- The provision of further car parking spaces could be considered.
- The gated feature was not fundamental to the scheme and could be removed.
- The Council's Tree Officer had considered the removal of the proposed trees to be acceptable and new planting would comply with technical guidance.
- The sewage pipeline would be 300 cm in diameter and would divert to a modern sewer in line with technical requirements.
- The proposed blocks of flats were in fact 2-storey buildings with a third designed into the roof space and would, therefore, be in keeping with surrounding properties. The revised scheme incorporated substantially less flats than the previous application.
- Play areas were subject to a landscaping condition and were in accordance with the size and nature of the surrounding area.
- In relation to 15 Lawrie Park Crescent there was no proposal to move the boundary.
- The applicant considered there was a demand for 4 bedroom accommodation.
- If the current scheme was approved, the applicant did not intend to submit a further application to increase the development in the future.
- For ease of manageability, housing associations preferred affordable units to be located in one specific area. Although grouped together, the proposed units would not be isolated from the rest of the development.
- Given the scheme's proximity to the Penge tunnel, a Construction Management Plan relating to the flow of traffic would be required.

The Planning Officer reported that further objections to the application had been received. It was also confirmed that Network Rail had no objections to the scheme.

Ward Member Councillor Wilkins noted that whilst residents were not opposed to development of the site, they were concerned that consultation had been carried out in a dark building by torchlight. The application had to be considered on its own merits, not in comparison with the previous application. The scheme would not provide a mixed and balanced community, especially with the separation of the affordable housing units. Residents' main concerns related to the height of the proposed buildings. A scale model of the scheme had been requested but was never received. The scale of the proposed buildings in Crystal Palace Park Road was vast and not in keeping with the surrounding area and the visual impact of the scheme would be staggering.

Although there had been a reduction in density, refusal reasons 4, 5 and 6 of the previous application still applied. Councillor Wilkins moved that the application be refused.

Councillor Buttinger seconded the motion for refusal. The construction of a 4 storey building was inappropriate and would have an impact on the adjacent Conservation Area. There would be a loss of amenity to residents and the removal of mature trees was undesirable.

The Chairman considered that the principle of development had been established and the scheme would contribute significantly towards Bromley's housing target. Density of the scheme had been reduced by 50% and the height of the proposed blocks reduced by 25%; this was now in keeping with similar apartment blocks in the surrounding area. The maximum amount of car parking spaces had been provided in accordance with the Mayor's London Plan. Although the removal of trees was less desirable, replacement trees would provide screening for residents living in close proximity to the site. The Chairman moved that the application be approved; this was seconded by Councillor Fawthrop.

Members were informed that the previous removal of trees at the site had not been in breach of Tree Preservation Orders as this action had taken place prior to the Orders coming into effect.

Should the application be approved, Members requested the addition of further conditions to cover boundary enclosures and works within the vicinity of the Network Rail tunnel. It was also suggested that a full Construction Logistics Plan together with confirmation that Network Rail agreed the design, should be added however, Members were informed that this was covered by existing condition 16 in the report.

The general consensus of Members was that the application was in keeping with the surrounding area, replacement trees would provide adequate screening and the impact on the surrounding area would not be excessive.

A vote to refuse the application fell at 3-13.

Following a further vote of 13-3, Members **RESOLVED that PERMISSION BE GRANTED SUBJECT TO THE COMPLETION OF A SATISFACTORY LEGAL AGREEMENT** as recommended and subject to the conditions and informatives set out in the report of the Chief Planner with the addition of further conditions as outlined above.

**38 LAND REAR OF 86 - 94 HIGH STREET, BECKENHAM**

**Report DRR15/014**

Members considered an application under S106A of the Town and Country Planning Act 1990 requesting modification of a S106 Legal Agreement relating to development of land to the rear of 86-94 High Street Beckenham.

The purpose of the modification was to enable amendments to the affordable housing obligation by way of increasing the income threshold cap for eligibility for the Intermediate Units from £35,000 to £45,000 and to change the location of the intermediate units by moving them from Blocks B and C to Block A.

Members agreed that increasing the income threshold cap would give a wider number of people the opportunity to enter into shared ownership of properties. The request to move the intermediate blocks raised no concerns.

**RESOLVED that A DEED OF VARIATION TO THE S106 PLANNING OBLIGATION (UNILATERAL UNDERTAKING) SIGNED ON 13 JUNE 2012, BE APPROVED.**

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

**Report DRR15/015**

In accordance with National Government Guidance, Members reviewed suggested amendments to the existing Local Information Requirements List to ensure it remained fit for purpose in the context of changes to National Legislation and development plan policies.

Referring to the requirements of site location plans (paragraph 3 at the top of page 60) and to the requirements of site plans or block plans (paragraph 3 at the bottom of page 60), one Member emphasised that this information should be required as a matter of course and submitted in the application pack.

Officers would consult with members of the public on the local information requirements document. In previous years, a 21-day consultation had been carried out which had been advertised in the local paper and on the Council's website.

Although applicants were required to submit details of trees protected by Tree Preservation Orders, this information was not always included. Officers carried out checks on the GIS system, looked at aerial plans and checked on site visits but inevitably, not all were identified.

Members were informed that a quoted percentage figure for an increase in hardstanding and built footprint could be requested and in some cases officers carried out their own calculations.

Referring to the Affordable Housing Statement (page 66), it was reported that an increase in the affordable housing requirement from 10 or more dwellings to 11 or more had come into effect in November 2014 as a result of a change in the National Planning Guidance.

It was agreed that a Landscape/Townscape and Views Impact Assessment (page 78) should be required when an application concerns Areas of Special Residential Character.

The section on Parking Provision for Cars and Bicycles (page 83) should stipulate that new developments must provide electrical power charging points.

Members suggested that the wording 'may be required' used throughout the document, be amended to read 'is required'.

Referring to the submission of scale drawings of proposed developments, it was suggested that a required scale of drawing be stipulated for individual applications. It was also suggested that details of the provision of wheelchair access and facilities, details of listed buildings and provision of car parking spaces be required.

All drawings should be vetted and validated before being submitted for consideration by Committee.

**RESOLVED that subject to Members' suggested amendments and comments:-**

- 1) Officers should consult on the local information requirements document and in the event that no significant representations lead to amendments, the document should be adopted.**
- 2) In the event that representations leading to amendments are received, an update should be reported to the DCC meeting in March 2015 subsequent to the document being formally adopted.**

**40 UPDATE ON THE FURTHER ALTERATIONS TO THE LONDON PLAN AND IMPLICATIONS FOR THE BOROUGH**

**Report DRR15/010**

Members considered an updating report on the Further Alterations to the London Plan and Implications for the Borough.

Members were informed that regardless of the Council's response to the London Mayor, the document cannot be altered at this stage.

With reference to Appendix 1 (page 101), it was noted that several Outer London boroughs were required to build less than Bromley. The increase in

Bromley's housing target to 641 was due to the historic rate of the number of small sites completed.

A copy of the Inspector's report on the outcome of the Examination In Public would be made available to Members.

**With reluctance, Members RESOLVED that:-**

- 1) the intention of the Mayor to adopt the Further Alterations to the London Plan (FALP) in March 2015 be noted;**
- 2) the recommendations of the Inspector and the issues for Bromley as set out in Section 3 be noted; and**
- 3) the requirement for the Council to be able to demonstrate conformity with the housing supply figure of 641 dwellings per annum be noted.**

**41 DELEGATED ENFORCEMENT ACTION (OCTOBER TO DECEMBER 2014)**

**Report DRR15/016**

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

**RESOLVED that the report be noted.**

**42 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006, AND THE FREEDOM OF INFORMATION ACT 2000**

The Chairman moved that the Press and public be excluded during consideration of the item of business listed below as it was likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

**43 EXEMPT MINUTES OF THE MEETING HELD ON 25 NOVEMBER 2014**

**RESOLVED that the exempt Minutes of the meeting held on 25 November 2014 be confirmed and signed as a correct record.**

The meeting ended at 8.55 pm

Chairman