

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 24 March 2015

Present:

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

Also Present:

Councillors Kim Botting and William Huntington-Thresher

44 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Graham Arthur and Eric Bosshard.

An apology for absence was also received from Councillor Kathy Bance MBE; Councillor Kevin Brooks attended as substitute.

45 DECLARATIONS OF INTEREST

Councillor Dean declared a personal interest in Item 7 - Beckenham Town Centre Conservation Area, as he resided in one of the roads considered for inclusion in the potential new conservation area. Councillor Dean left the room and did not take part in the discussion or vote.

46 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 10 FEBRUARY 2015

RESOLVED that the Minutes of the meeting held on 10 February 2015 be confirmed and signed as a correct record.

47 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

The following oral question was received from Mr Adrian Lawrence of Lanniston Developments Limited:-

'What is this Council doing to identify building land for self and custom builders and is the Council aware of the Self-build and Custom Housebuilding Bill which is in its final stage of Royal Assent when the Bill will become an Act of Parliament?'

The Chairman responded as follows:-

'The Council is keeping a watching brief on the progress of the Self-build and Custom Housebuilding Bill 2014-15. When Royal Assent is received the Council will take steps to ensure it complies. Interest in self build and custom build will be recorded and added to a register as required, and the Local Plan will have regard to the register.'

48 COUNCIL MOTION - PETTS WOOD AREA OF SPECIAL RESIDENTIAL CHARACTER

Report DCS15039

Members considered a motion proposed by Councillor Simon Fawthrop at a meeting of full Council on 23 February 2015 relating to the Petts Wood Area of Special Residential Character. This motion was passed with a slight amendment to reflect that any decision would need to be taken by the Executive.

The motion was as follows:-

'This Council recommends to the Executive that the existing statement in the Unitary Development Plan (UDP) in relation to the Petts Wood Area of special Character (ASRC) should be supplemented with the following updated statement which should also form the basis of any descriptions within the Local Development Framework (LDF) including any future reports to Development Control Committee. This supplement should take place with immediate effect, subject to any statutory or technical considerations, which should be expedited.'

Councillor Fawthrop moved that the motion be endorsed; this was seconded by Councillor Auld.

RESOLVED that the motion be endorsed and the Executive be recommended to adopt the proposal.

49 PLANNING REPORTS

49.1 (14/03316/FULL1) - Orpington Police Station, The Walnuts, Orpington BR6 0TW

Members considered the following planning application report:-

Item No.	Ward	Description of Application
6.1 (page 15)	Orpington	Demolition of existing buildings and erection of part 4 rising to part 9 storey building for use as a health and wellbeing centre on the ground

		and first floors plus a retail (Class A1/A3) unit on the ground floor together with 34 x 1 bedroom flats and 49 x 2 bedroom flats (total 83 flats) on the upper floors with ramp to basement and 46 basement car parking spaces (including 4 disabled spaces) together with refuse and recycling facilities, cycle storage and landscaping proposals.
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The following planning update was received:-

The Draft Alterations to the London Plan referred to on page 26 of the report, had now been adopted; this did not affect what was set out in the report.

The following amendments were made to the section on page 42 of the report confirming which items were planning obligations to be included within the Section 106 legal agreement in order to make the development acceptable:-

- The first bullet point should continue “Confidential Agreed Lease Terms between the NHS and Berkeley’s have been provided and will need to be secured within the S106 agreement along with a suitable time for the offer to remain open and a fallback to ensure a suitable healthcare facility is provided if NHS property services decide not to proceed.”.
- The healthcare contribution referred to in the second bullet point should be removed as it was not required due to the facility being provided within the development.

In order to facilitate a prompt start to the development it had been agreed that the timing for the approval of conditions 7, 8, 12 and 13 should be altered to ‘before above ground works commence’.

Reference to garages in condition 18 should be removed as there were none.

The words ‘slab level’ in condition 28 should be amended to read ‘roof level’ as this would more adequately secure the height.

Members views were sought on a proposed alteration to condition 32 on page 52 as given the site's town centre location, the applicant had requested that the time for construction work and related deliveries be altered to Monday to Saturday 8-6 and Sunday 10-4.

Oral representations in objection to the application were received from Mrs Jenny Wood on behalf of Lancing Road Residents’ Association. Mrs Wood made the following points:-

Whilst the need to redevelop the Police Station was recognised, some concerns were raised by a number of assumptions made in the report regarding car use and parking.

Firstly, the traffic assessments predicted that Health Centre staff, patients and visitors to residents would all seek to park in Lancing Road.

Secondly, as the proposal included no affordable housing, car ownership by residents would probably be in line with the rest of the Borough. The paper circulated to Members showed that application of the published statistics for the Borough suggested that car ownership could be more than twice the number of allocated spaces.

The report assumed that any residential overflow was also likely to use Lancing Road to park.

No recognition was made of the cumulative impact of the assumptions. Lancing Road, Bedford Road and Spur Road were already heavily used for parking during the working day.

As designed and proposed, the development was expected to place a parking burden on Lancing Road as a result of use by:-

- a) Health Centre staff;
- b) patients or their drivers; and
- c) residents and their visitors.

It was anticipated that this burden would be exacerbated by higher than predicted car ownership by residents. This load would not be mitigated by the proposed implementation or extension of a Controlled Parking Zone in surrounding roads; it would simply extend parking problems across the town.

With or without a Controlled Parking Zone, levels of traffic in the roads would increase as a result of drivers searching for parking.

Any planning permission granted should include conditions requiring stronger and more reliable measures to remove the parking and traffic burden which was currently considered to be unsupportable. This could be achieved by a higher ratio of parking spaces to residential units, more generous and creative provision for parking in the Walnuts car park by any of the user groups, or a combination of such measures. A simple and small financial contribution of £12,000 for a Controlled Parking Zone was neither adequate nor convincing.

Oral representations in support of the application were received from Mr Sean Ellis, Chairman of Berkeley Homes. Mr Ellis made the following points:-

The application had been prepared following extensive pre-application discussions with the Council, as well as consultation with the public and key stakeholders.

The need for the Medical Centre and the suitability of the site for its location in Orpington was established in 2011, through the Orpington Health Needs Assessment. Since acquiring the site, Berkeley had worked hard with the various stakeholders to secure the delivery of the Medical Centre.

Heads of Terms had been signed with the NHS to enter into a long leasehold for the medical centre, which was being provided at a discount to market rent and was effectively subsidised by the Private Housing Department.

The development was designed to be articulated in height, as well as in elevation and materials, to provide a contemporary and high quality appearance which would positively benefit Orpington town centre.

Berkeley were aware that some local residents had expressed concerns about the potential for overlooking parking. The proposals took account of generous separation distances between the development and the rear gardens along Lancing Road. The closest garden boundary on Lancing Road was over 200 ft, with the closest dwelling being over 300 ft from the proposed building. In response to these concerns, a further exhibition for these residents was held on the 12th November 2014, to provide further clarification on the proposals.

The site was situated in a highly sustainable location, with good access to public transport and public car parks. 46 car parking spaces would be provided within a basement, equating to a ratio of 55% and was in accordance with the Council's 'maximum' parking policy of 100%. The Council's Highway's Officer had not raised an objection to the proposals.

In order to mitigate the risk of overspill parking in the adjacent roads, Berkeley would also:-

- market apartments without allocated parking as 'car free';
- make a financial contribution for new residents to benefit from the existing Car Club;
- make a financial contribution to the Council so that a consultation on a local Controlled Parking Zone could be undertaken; and

- there was an understanding that the NHS intended to enter into an agreement with the Walnuts Centre to obtain parking permits for staff at the Medical Centre.

Berkeley would pay £669,000 in S106 and CIL contributions of which £326,000 would be put towards public realm enhancements to the Square.

In summary, the scheme would offer a high quality contemporary development which would:-

- provide 83 homes;
- provide a much needed NHS Medical Centre;
- add to the commercial offer in the town centre;
- make significant contributions to enhance public realm and
- make a positive contribution to the regeneration of Orpington town centre.

In conclusion, Berkeley hoped Members would follow officers' recommendation to approve the application as, together with the NHS, they were keen to deliver this exciting development as soon as possible. Berkeley owned the site and subject to planning permission being granted, work would commence immediately upon discharge of pre-commencement conditions. The proposed development, including the Medical Centre, was expected to be completed in 2017.

In response to one Member who suggested Berkeley enter into an agreement with The Walnuts to procure a number of parking spaces for visitors to the Health Centre, Mr Ellis considered it would be difficult to predict how many spaces would actually be required.

Oral representations were received from Ward Member Councillor William Huntington-Thresher. Reporting on the concerns of residents, Councillor Huntington-Thresher made the following points:-

The value of the development of the site was acknowledged.

Although Condition 26 made it clear that Residential and Commercial Travel Plans were to be submitted and approved in writing prior to first occupation of any residential unit, this would not ensure that new residents would comply with such Plans. Parking was available 24 hours a day in the nearby multi-storey car park. In this regard, it would be useful to add an informative that negotiations with the Walnuts be undertaken to enable residents to procure season tickets for the multi-storey car park at the expense of the developer.

Members were reminded that on appeal, the developer of Berwick House (opposite the application site), was granted permission to build 83 flats with only 23 car parking spaces.

Oral representations in support of the application were received from Ward Member Councillor Kim Botting. Speaking on behalf of the business community, Councillor Botting made the following points:-

The application consisted of many components – the GP surgery, the Health and Wellbeing centre, a commercial unit and flats. It needed to be viewed in the Building a Better Bromley policy contexts of a vibrant thriving town centre, a quality environment, regeneration and Healthy Bromley.

In addition to the statutory consultations, a further 1700 letters had been posted and two exhibitions had been held

The Knoll GP surgery, until recently, occupied a town centre location in Knoll rise and for a number of years had sought relocation to improved premises; such plans had failed to materialise. This location would provide more accessibility for most residents' premises than currently existed.

The Health and Wellbeing Centre would relocate services from Orpington Hospital, which would enable Kings College to offer in-patient services, two local GP practices, out-patients and radiography amongst other additional services. As the report indicated the proposed development would provide a valuable investment to health services in Orpington.

The Police Station site was currently vacant and a blot on the town's landscape.

Redevelopment of town centre sites to offer improved public and commercial premises always required housing to help finance the schemes. This development included high quality flats and it was encouraging that Berkeley Homes would not only build the development but also operate and maintain it afterwards. This should give Members confidence that the build quality would be high. Thus, the commercial premises, the new Health Centre staff based in Orpington and the introduction of more homes to the Town Centre would lead to an increase in people shopping, socialising and spending their leisure time in Orpington. These aspects addressing vibrancy meant that the development was fully supported by Orpington businesses and the BID.

Of course any development would have some compromises. The development was large, had limited car parking and would attract many more trips into Orpington. However, as the report indicated, it met policies T1, BE1, BE2 and BE17. Policy T3 indicated that flats in town centre locations with high public transport accessibility could expect lower levels of car ownership so the development was considered acceptable from this point of view. It was also worth noting that Berwick House on the other side of the high street was given planning permission at appeal for 80+ flats with only 23 parking spaces. Season tickets were arranged for NHS

staff parking and Berkeley was in contact with the Orpington BID to organise visitors and residents' parking.

GP and health centre visits would generally occur at different times to the cinema traffic which the transport assessment in the report indicated was acceptable.

In conclusion, the development would provide new housing, new public facilities and a health and wellbeing centre, all providing much benefit and support to the community.

Councillor Rutherford supported what he considered to be an agreeable plan. No loss of light would occur as a result of the height of the proposed building. Councillor Rutherford moved approval of the application with the addition of the suggested informative by Councillor Huntington-Thresher.

Councillor Michael seconded the proposal stating that the application would produce a positive mixed use scheme although she would like to have seen the inclusion of more soft landscaping and greenery. There was a need for Members to be mindful of the Council's required target of providing 641 new houses per year. Development within the town centre was preferable to building on Green Belt land.

Councillor Fawthrop moved that the application be refused as he considered the car parking provision to be inadequate. He did, however, suggest that the application could be deferred to allow the developer to negotiate with the Walnuts to procure 50 residents' parking spaces within the multi-storey car park.

It was generally agreed that whilst there were some concerns regarding parking ie. a lack of 40 spaces for Health Centre workers and parking for cinema goers etc, these were not strong enough grounds on which to refuse the application.

Utilisation of the car club vehicle (page 37) was considered to be a good idea and one which should be pursued.

RESOLVED that permission BE GRANTED SUBJECT TO THE COMPLETION OF A SATISFACTORY LEGAL AGREEMENT as recommended, subject to the conditions and informatives set out in the report with the following conditions amended to read:-

'7(i) Above ground works shall not commence until an Impact Study of the existing water supply infrastructure has been submitted to and approved in writing by the Local Planning Authority.....

8(i) Above ground works shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles, where possible has been submitted to and approved by the Local Planning Authority.....

12(ii) Above ground works shall not commence until a Design Stage Certificate for each commercial unit (prepared by a Building Research

Establishment qualified Assessor) has been submitted to and approved in writing by the Local Planning Authority to demonstrate compliance with part (i).

13(ii) *Above ground works shall not commence until* a Design Stage Certificate for each residential unit (prepared by a Code for Sustainable Homes qualified Assessor) has been submitted to and approved in writing by the Local Planning Authority to demonstrate compliance with part (i).

18 Prior to first occupation of any residential unit, the basement parking spaces hereby approved shall be completed in accordance with the approved details and thereafter shall be kept available at all times for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting this Order) or not shall be carried on the land indicated or in such a position as to preclude vehicular access to the said land.

28 The development hereby permitted shall be carried out strictly in accordance with the *roof* levels shown on the approved drawing(s).

32 No deliveries in connection with construction works shall be taken at or despatched from the site and no construction work shall take place other than *between the hours of 8 am and 6 pm Monday to Saturday and 10 am and 4 pm on Sunday and not at all on Public Holidays.*

A further informative was also included to read:-

'5 The applicant be advised that the Council would be keen for agreement to be reached to accommodate future residents' parking by season ticket in the adjacent Walnuts car park at the expense of the developer to assist in minimising the impact of the proposal on on-street parking in the vicinity of the site.'

50 BECKENHAM TOWN CENTRE CONSERVATION AREA

Report DRR15/033

Members considered the outcome of a consultation undertaken on proposals to adopt a new conservation area in Beckenham Town Centre.

Councillor Dykes took the Chair as Councillor Dean left the room and did not take part in the discussion or vote.

The Chairman welcomed the overwhelming positive response to the consultation and moved that the proposal be endorsed; this was seconded by Councillor Scoates.

It was suggested that the accuracy of the map accompanying the report should be confirmed.

RESOLVED that:-

- 1) subject to confirmation of the area mapping, the adoption of a new conservation area to be known as 'Beckenham Town Centre Conservation Area' be approved; and**
- 2) the Executive be recommended to agree adoption of the new conservation area.**

51 SUPPLEMENTARY PLANNING DOCUMENT (SPD) ON PLANNING OBLIGATIONS: ADDENDUM ON CHANGES TO POOLING S106 CONTRIBUTIONS AND S106 THRESHOLD CHANGES

Report DRR15/009

Members considered the addition of an addendum to the Council's existing Supplementary Planning Document Planning Obligations (2010) to reflect changes introduced by the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) which come into effect from 6 April 2015. The report advised that changes to the pooling of S106 planning contributions (Town and Country Planning Act 1990) of more than five contributions from separate permissions for an item of infrastructure, come into effect nationally from 6 April 2015. The report outlined the Council's approach to ensure that contributions for necessary infrastructure to support development continues to be sought from developers in line with the Development Plan.

The Chairman outlined the report intimating that this was a transitional change between Section 106 agreements and CIL under the Local Plan. To comply with statutory regulations, Members would need to endorse this as from April, ongoing contributions would be identified for specific projects for which no more than five contributions could be received. The Chairman moved that the recommendations be endorsed; this was seconded by Councillor Joel.

Members were informed that as the Council would be seeking specific financial contributions, this would put the Council in a stronger position with regard to transparency.

Affordable housing contributions would be excluded from CIL once it was introduced, and would continue to be collected through Section 106 agreements.

RESOLVED that:-

- 1) the addendum to the Council's adopted SPD Planning Obligations (2010) updating references to threshold and the pooling of Section 106 Agreements as required by the CIL Regulation 2010 be endorsed;**

- 2) **the Executive be recommended to agree the addendum set out in Appendix 1 of the report; and**
- 3) **the changes set out in the report, due to come into effect on 6 April 2015 as a result of the CIL Regulation 2010 be noted.**

52 LB BROMLEY LOCAL INTERMEDIATE HOUSING INCOME THRESHOLD REVIEW

Report DRR15/025

Members were requested to consider the amendment of the income threshold for 'intermediate housing' to reflect changes, primarily in prices, so as to ensure that housing is accessible to local residents.

The Chairman welcomed the report stating that the new limits would result in an increase in the number of people eligible to apply for shared ownership. He therefore moved that the recommendations be agreed; this was seconded by Councillor Dykes.

One Member was concerned with the level being raised at a time when unemployment was high and wages were not increasing. Some people were not able to afford the required deposit. Another Member referred to the amount of affordable housing provided. He did not want to see affordable housing being allocated to people on higher wages. The Council should concentrate on providing accommodation to people with an income of under £35k per year.

However, it was generally agreed that this was a positive move which helped people onto the housing ladder. It was noted that Bromley had a good record of providing accommodation within the Borough.

RESOLVED that the following reviewed local upper limited intermediate housing income thresholds for 1, 2 and 3 bedroom units be agreed:-

1 bedroom units £38,800

2 bedroom units £50,500

3 bedroom units £62,500

GLA upper limit applies to 4 bedroom units+

53 LOCAL DEVELOPMENT SCHEME 2015-16

Report DRR15/021

Members considered the revised Local Development Scheme (LDS) for 2015/16 which set out the timescale for the preparation of the Local Plan for the Borough.

The current legislative requirements for the LDS only include the development plan documents (DPD) which are subject to independent examination which for Bromley would be the Local Plan. Supplementary Planning Documents were not included in the formal LDS. It did however, provide an indicative timescale for the preparation of a Local Community Infrastructure Levy.

It was reported that a vast amount of work had gone into developing the Local Plan and a lot of work still remained to be undertaken. It was anticipated that the Local Plan would be completed by 2016.

The Chairman moved that the recommendations be approved; this was seconded by Councillor Buttinger.

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

The meeting ended at 8.30 pm

Chairman