

# GREATER LONDON AUTHORITY

## Policy & Partnerships Directorate

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### **Colin Ruddlesden**

Head of Development Plan  
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**Our ref:** PDU/UDP05  
**Date:** 24 June 2005

Dear Colin,

### **Re: Bromley UDP Inspector's Report**

Thank you for sending the GLA a copy of the Inspector's Report concerning the replacement Bromley UDP.

Attached to this letter is a copy of the Mayor's planning report concerning matters raised in the Inspector's Report and, in particular, how these issues relate to general conformity with the London Plan.

The proposed replacement UDP raised issues of non-general conformity, many of which have been positively addressed by the Inspector. However, the outstanding issues and omissions relate to the implementation of the London Plan and its strategic objectives. In particular, they relate to the objectives of making London a better place in which to live (Objective 2: housing and affordable housing provision) and of accommodating London's growth within its boundaries without encroaching on open spaces (Objective 1).

Further modifications to the UDP are required to justify the proposed borough-wide and site-specific target in relation to London Plan policy 3A.7 and the Mayor's London-wide strategic target of 50% affordable housing provision. Similarly, the Mayor is concerned about the implication that underperformance on London Plan housing targets should be corrected by bringing forward sites in Green Belt/ MOL when housing targets could be achieved through development on brownfield sites at appropriate densities identified in the London Plan.

Most of the strategic planning issues raised by the Mayor have been positively addressed by the Inspector's report demonstrating that the UDP could be amended to bring it into general conformity and enhance its contribution to the strategic objectives and implementation of the London Plan. Before the revised UDP is adopted, appropriate post-inquiry modifications to the UDP are needed to address the outstanding issues.

The Mayor would welcome further discussions to resolve the outstanding issues before the Council progresses to post-inquiry modifications and begins preparation of Bromley's Local Development Framework. James Farrar in my Planning Decisions Unit (details below) will contact you shortly to take these matters forward.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Giles Dolphin', written in a cursive style.

**Giles Dolphin**

Head of Planning Decisions

Cc Nick Ward, GoL  
Sam Richards, TfL  
Anne Crane, LDA

## Inspector's report on Bromley UDP

22 June 2005

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| <b>Town &amp; Country Planning Act 1990 (as amended); Greater London Authority Act 1999 – Inspector's report on Bromley UDP</b> |
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### Purpose

1. To update the Mayor on the Inspector's report on Bromley Unitary Development Plan (UDP) and to advise the Council on issues relating to general conformity of the proposed plan with the published London Plan to inform its development of post inquiry modifications.

### Background

2. Bromley Council is nearing the end of its UDP review process, which began in January 2000 with the publication of the first deposit version of the revised UDP. The Mayor made representations at all stages of the UDP review, including the pre-inquiry stage (May 2003).

3. The inquiry into the unresolved objections to the draft plan was held between 28th October 2003 & 15th April 2004. The Inspector produced the final report in February 2005. The draft interim inspector's report received in August 2004 dealing with the Housing (Chapter 4) and Green Belt and Open Space (Chapter 8) sections of the Plan is incorporated in the full inspector's report and should now be disregarded.

4. Bromley Council Officers' are currently considering the Inspector's recommendations and a report will be made to Bromley Council in September. The officers' report will be available for public inspection. The modifications resulting from this will be published as soon as possible after that date.

### Inspector's recommendations on Bromley's Replacement UDP

#### Affordable housing

6. Policy H2 in Bromley's second deposit draft UDP requires 30% affordable housing for on-site provision on individual sites, in proportions of 25% for households in housing need and 5% for key workers. This did not conform with the Mayor's (then) draft London Plan and the Mayor submitted representations to the Inquiry accordingly.

7. The Mayor also concluded that the Bromley UDP was not consistent with the policies of the (then) draft London Plan which seeks to increase the provision of affordable housing and the overall supply of housing in London in order to meet strategic housing needs. The policy approach set out in the proposed replacement Bromley UDP towards the provision of housing and affordable housing therefore needs modification in order to increase housing supply and the range of choice available to all residents of London.

8. In previous comments the Mayor stated that the Bromley UDP did not seek the maximum reasonable amount of affordable housing and that the UDP did not demonstrate that it has set an overall target for the highest achievable number of affordable homes taking into account of regional and local assessments of need, the promotion of mixed and balanced communities and the potential sources of supply. The Inspector recommends that in negotiating the quantum of affordable housing on each site, the Council should seek 35% provision, increased from 30%. This site specific target has not been justified either in relation to housing need or London Plan Policy 3A.7, which states that UDP policies should take account of the Mayor's strategic target for affordable housing provision of 50%.

9. Due to the staggered timings of the UDP review and the publication of the London Plan the inspector did not consider the need for a borough-wide affordable housing target, concentrating on site-specific percentages instead. Under the current draft of the UDP the Council is seeking to make provision for an additional 2,300 affordable homes out of a total of 11,450 additional dwellings. Across the borough this amounts to only 20% affordable housing provision and falls significantly short of London-wide need. To accord with London Plan policy 3A.7 boroughs should take account of the Mayor's strategic target for housing provision that 50 per cent provision should be affordable. No justification has been provided to justify a departure from London-wide need. Therefore, the issue of a borough wide target remains unresolved and GLA officers would welcome further discussions with Bromley to address this important strategic issue.

10. The Inspector agreed that the very exceptional circumstances test should apply to payments in-lieu or for off-site provision, as both national guidance (Circular 6/98, paragraph 22) and the London Plan (paragraph 3.47) express a preference for the delivery of on-site affordable housing. The Inspector also recommended that the policy must also outline the circumstances that justify payments in lieu or off-site affordable units.

11. The Inspector recommends, in line with the London Plan, that the Council adopt an affordable housing split of 70% social housing and 30% intermediate provision, unless it can be demonstrated that a lower level should be sought or that the 70:30 split would not create mixed and balanced communities. The Inspector also recommends that the definitions of affordable housing be brought into line with the London Plan. This includes clarification on intermediate housing to state "*sub-market housing which is above target rents, but is substantially below open market levels and is affordable by households on incomes of less than £40,000*".

### **Housing supply**

12. In relation to housing supply the Inspector recommended that the Council reword Policy H1 to state how the Council intends to exceed the minimum target figure of 11,450 additional dwellings over the plan period. This includes additional references to the need to make efficient use of sites and the redevelopment of unneeded employment land subject to the tests outlined elsewhere in the plan. These principles are consistent with strategic planning policy.

13. Further, the Inspector has also recommended that Bromley should correct underperformance on London Plan housing targets by undertaking a sequential analysis of potential housing sites in order to identify additional housing land to meet needs. The inspector goes on to say that given the paucity of non-MOL sites, this may constitute exceptional circumstances to justify a review of MOL/Green Belt boundaries.

14. These recommendations go to the heart of the strategy outlined in the London Plan and the concept of a sustainable and compact city and the need to maximize the use of scarce land (i.e. objective 1 of the London Plan is to accommodate London's growth within its boundaries

without encroaching on open spaces). Bromley could have achieved targets from brownfield sites through development at appropriate densities, without sacrificing important protected open spaces. There would appear to be significant opportunities for increasing densities.

Development densities in Bromley have averaged only 30 dwellings per hectare between 2000 and 2003, the lowest in London and equivalent to the minimum density in Government guidance. There clearly is a potential for increasing overall housing output through relatively modest increases in density in line with the ranges set out in the London Plan. To this end the Inspector has recommended that the UDP add a new location/density table based on Table 4B.1 of the London Plan. This would bring the UDP into line with the London Plan in this respect and its inclusion should help to ensure that housing supply is maximized.

15. The Mayor views density as a positive planning tool that can be used to encourage high density, high quality, sustainable development. Greater intensity of residential development can help maximise housing supply, especially in areas with good public transport accessibility while not compromising residential quality. The Mayor believes that a sensitive approach to design statements is a more positive approach to achieving development that is appropriate to its location and enhances the local built environment and that density policies should be used positively not negatively.

16. This underlines a broader debate and was the subject of a recent exchange of questions and answers in the House of Commons. In response to a question on density in Bromley Keith Hill, former Minister for Housing and Planning stated that *“Opportunities for new development should not be wasted with low-density schemes, especially when those are in accessible areas. Not only will low-density developments not work towards building sustainable communities, they will exacerbate the need to release Greenfield sites. Unfortunately, this is one area where Bromley could do much better. Average London densities are around 53 dwellings per hectare. In Bromley the rate is only about 28 dwellings per hectare. Bromley seems unwilling even to achieve the average for outer London boroughs, which is 40 dwellings per hectare. This means that Bromley itself is causing a lot of the pressure on Greenfield sites.”*

17. The Mayor’s Best Practice Guide on Suburban Development will provide a toolkit to assist in achieving good, sustainable development that is compatible with the distinctive character of South London. Some of the sub-region’s suburban development is reaching the age at which strategic renewal will be needed and these areas have particular potential for more intensive use of land.

18. The GLA will be publishing in July new proposed housing targets for Bromley, based on the most up-to-date assessment of housing capacity and the borough should have regard to these in considering post-inquiry modifications.

### **Housing choice**

19. The Inspector also recommended that all new development comprising more than 20 units should include at least 10% of units that are wheelchair accessible or capable of being made accessible, also in line with the London Plan.

20. Due to the staggered timings of the review of the UDP and the publication of the London Plan the issue of ‘Lifetime Homes’ standards was not specifically raised. The borough should be aware of London Plan policy 3A.4 which states that UDP policies should seek to ensure that all new housing is built to ‘Lifetime Homes’ standards. GLA officers would welcome further discussions with Bromley to strengthen this aspect of the plan at post-modifications stage.

## Energy

21. The Inspector considered 4 objections to a proposed policy, which had a minimum size threshold above which 10% of the development's energy should be provided from renewable energy sources. The objections were that proposed technologies should be assessed on whether they were realistic and appropriate rather than feasible; the threshold should be removed and apply only to major developments; developments should be acceptable on all other grounds; the planning system is not an appropriate method for pursuing renewable energy generation.

22. The Inspector concluded that not only does the planning system have a wide role to play in meeting renewable energy targets, but that even small-scale schemes should be subject to sustainable development principles. He recommended a re-worded policy to require developments above 5 dwellings or incorporating more than 1000sq.m should incorporate energy efficiency measures and where appropriate renewable energy schemes. The Inspector also recommended that for schemes of 100 dwellings or more, or more than 1000sq.m there should be a requirement to include renewable energy sources for 10% of projected demand, or demonstrate that installation is not viable.

23. In principle, this supports the London Plan approach to require energy efficiency and renewable energy where feasible, with the responsibility for justifying non-inclusion being with the applicant. There appears to be ambiguity for developments over 1000sq.m of floor space as to which criteria applies, however the strengthening of the policy to apply to applications not referable to the Mayor will contribute towards the implementation of the London Plan.

## Biggin Hill Airport

24. In previous comments the Mayor stated that four areas of land are identified as comprising the major developed site within the Green Belt at Biggin Hill. Area 4 comprises all residual undeveloped land at the airport covering the main runways and associated taxiways. In the proposed replacement UDP the only development the Council appears to accept in this area is facilities in connection with operational safety and efficient running of the airport such as signals and communications apparatus. Given the existence of permitted development rights over the airport for just this sort of development it is unnecessary duplication to specifically identify a MDS for this purpose. Proposals for limited redevelopment in area 4 could not be justified given that the footprint of this area would exclude the runways as hardstanding, and temporary buildings as identified in annex C of PPG2 (paragraph C5). Specifically identifying Area 4 in this way is considered unnecessary and could lead to suspicion and distrust of the Council's intentions for the airport.

25. The Inspector's report agrees with the Mayor that Area 4 be removed from the Major Developed Site classification in paragraph 12.12 and Policy BH7 deleted. The Inspector goes on to state that "Should a development be required in the interest of the operational safety or effective running of the airport, those matters ought to be looked at in terms of very special circumstances and weighed against the potential impact on the openness and visual character of the GB."

## Employment

26. Policy EMP5 identifies large-scale warehousing development as normally being appropriate in the St Mary Cray Business Area. In previous comments the Mayor stated that this could undermine the role of St Mary Cray as a Strategic Employment Site contrary to guidance in RPG3 and LPAC Revised Advice on Planning for Industry in London (2000). The Inspector did

not support the objections but in the light of other recommended changes Policy EMP5 would be superfluous and is recommended for deletion.

### **Tall buildings**

27. Positively, the Inspector recommends a re-wording of the policy relating to tall buildings to provide a more positive approach to high buildings because the London Plan recognises that tall buildings can be a very efficient way of using land and can make an important contribution to creating an exemplary, sustainable world city.

### **Green Belt and open space**

28. The main issue is that the Inspector recommends that a sequential analysis of potential housing sites needs to be conducted by Bromley in order to identify additional housing land to meet needs. The report states that given the paucity of non-GB/MOL sites this could constitute exceptional circumstances to justify a limited review of the GB/MOL boundaries, where urban extensions are the next sustainable option. The following sites are identified which are designated as GB/MOL or Urban Open Space that the report recommends could be included in such a future assessment, removing the open space designations and allocating for housing if necessary:

- Site 15 Blackbrook Lane (GB) – consider as a reserve housing site if required
- Site 17 Blue Circle site (GB)
- Site 30 land at Cockmannings Lane (GB)
- Site 46 land rear of Juniper Close, Aperfield Road (GB)
- Site 66 the Drift, Croydon Road (GB)
- Land off Bushey Way (MOL)
- Site 6 land to rear of 91-117 Copers Cope Road (MOL)
- Site 36 Eltham College – remove MOL from buildings
- Site 43 Holy Trinity College – remove MOL from buildings
- Proposal Site 3 land off Goddard Road (UOS)
- Site 51 Oakley Road/Gravel Road Allotment Land (UOS)

29. As outlined in paragraphs 12 – 15 in this report the GLAs view is that increasing densities in line with the SRQ matrix should facilitate meeting targets without the need to review Green Belt or Metropolitan Open Land boundaries for housing. The GLA would welcome further discussions with Bromley before future assessments are undertaken to inform the LDF.

### Chapter 7: Natural Environment

30. The Inspector's report recommends that a new paragraph be added to indicate the criteria used to designate Green Corridors, taking into account the London Plan. However, the report states that these need not be shown on the Proposals map as they are too complicated and many are small scale, stating that this is more appropriate in Supplementary Planning Guidance.

31. London Plan Policy 3D.10 states that the Green Corridors should be identified. However, if the SPG is produced then this should be sufficient to meet the requirements of the London Plan as it is linked to the policy.

### Chapter 8: Green Belt

32. The Inspector's report recommends the deletion of Green Chains from Objective 1 (GB/MOL) and adding them to Objective 3 (general open space), stating that London Plan does

not include Green Chains with GB/MOL. London Plan Policy 3D.9 does include Green Chains as a criteria of MOL. However, Policy 3D.10, general open space, then states they should be protected, so the London Plan enables flexibility.

33. The Inspector recommends that Ravensbourne College be removed from MOL and used for housing or educational purposes. The Mayor has previously commented on strategic referrals for the redevelopment of the site stating it may be appropriate as it is already developed (applying the principles of MDS), provided that the woodland and open space to the north and east of the site are protected and continue as MOL.

### **Crystal Palace**

34. The Inspector recommends a new objective to maintain the role of Crystal Palace Park as a strategic park, recognizing its value as open parkland and as an important cultural, recreational and sporting asset. This supports the Mayor's approach as stated in his written representations.

35. The Inspector's report supports the Mayor's position on Crystal Palace Park stating that the Top Site (Proposal Site 9) should remain as MOL, removing the proposals site; and provides support for the redevelopment of the National Sports Centre by designating it as an MDS. This reflects the Mayor's position as stated in his further written representations.

### **Transport**

36. In previous comments the Mayor stated that a more restrictive approach could be taken for public car parking provision and on car parking standards for certain uses. A more proactive approach should also be taken towards achieving improvements to public transport infrastructure and services. For example, contributions from planning applications are focussed on situations where there is a negative impact rather than seeking contributions to improve public transport in locations with poor accessibility.

37. The Inspector recommends that policies the transport policies are strengthened to specify adoption of maximum parking standards, reducing parking provision in areas of good transport accessibility, taking a balanced approach when providing public parking in town centres and encouraging the use of modes other than the private car. This approach is fully supported and is consistent with key London Plan policies that seek to reduce the growth of car trips in outer London.

38. The Inspector also recommends identifying the London Cycle Network on the proposals map, safeguarding land for transport and seeking s106 funding where necessary for public transport provision, in accordance with Circular 1/97. These address concerns raised earlier in the UDP review process. It is hoped that Bromley will embrace all the Inspector's recommendations fully.

### **Waste**

39. The Mayor recognizes that many aspects of waste policies will need to be reviewed or updated in light of future alterations to the London Plan (draft due summer 2005). In recognition of this and the late stage the borough has reached the Mayor looks forward to progressing a waste policy review through the Council's Local Development Framework.

### **Overview**

40. In summary, the Inspector's report lends considerable support to the Mayor's London Plan policies across a wide spectrum of strategic planning issues, many of which would bring the UDP into line with the London Plan, thereby addressing the Mayor's strategic planning concerns.



However, the current plan as proposed is not considered to be in general conformity with the London Plan. The main outstanding strategic issues relate to affordable housing, housing supply, and open space. It is anticipated that this report and further informal officer-level discussions with Bromley Council will assist in further resolution of these issues in progressing toward post inquiry modifications.

## Legal considerations

41. Section 15(2A) of the Town and Country Planning Act 1990 sets out the key statutory requirement that London UDPs shall not be adopted unless they are in general conformity with the London Plan. This statutory requirement applies to both Part 1 and Part II of UDPs. This means that at the point of adoption, a UDP must be in general conformity with the London Plan, otherwise section 15(2A) of the 1990 Act is infringed. Therefore, if there is a published London Plan, and an unadopted UDP is not in general conformity with it, that UDP shall not be adopted. The requirement to be in general conformity is mandatory and neither the Mayor nor the Council can waive such a requirement.

## Conclusion

42. The Bromley UDP is at an advanced stage with officers' considering the recently published Inspector's report. The proposed replacement UDP raised issues of non-general conformity, many of which have been positively addressed by the Inspector. However, the outstanding issues and omissions relate to the implementation of the London Plan and its strategic objectives. In particular, they relate to the objectives of making London a better place in which to live (Objective 2: housing and affordable housing provision) and of accommodating London's growth within its boundaries without encroaching on open spaces (Objective 1).

43. Further modifications to the UDP are required to justify the proposed borough-wide and site-specific target in relation to London Plan policy 3A.7 and the Mayor's London-wide strategic target of 50% affordable housing provision. Similarly, underperformance on London Plan housing targets should not be corrected by bringing forward sites in Green Belt/ MOL when housing targets from brownfield sites can be achieved through development at appropriate densities identified in the London Plan.

44. Most of the strategic planning issues raised by the Mayor have been positively addressed by the Inspector's report demonstrating that the UDP could be amended to bring it into general conformity and enhance its contribution to the strategic objectives and implementation of the London Plan. Before the revised UDP is adopted, it will be necessary for post-inquiry modifications to the UDP to address the outstanding issues. Further discussions with the Council are welcomed to consider the way forward in bringing the UDP into general conformity with the London Plan before adoption.

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for further information, contact Planning Decisions Unit:

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