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DATE: 26 March 2012

To: Members of the
DEVELOPMENT CONTROL COMMITTEE

Councillor Peter Dean (Chairman)

Councillor Charles Joel (Vice-Chairman)

Councillors Douglas Auld, Eric Bosshard, Katy Boughey, Lydia Buttinger, John Canvin, Simon Fawthrop, Peter Fookes, John Ince, Russell Jackson, Kate Lymer, Mrs Anne Manning, Russell Mellor, Alexa Michael, Richard Scoates and Pauline Tunnickliffe

A meeting of the Development Control Committee will be held at Bromley Civic Centre on **TUESDAY 3 APRIL 2012 AT 7.30 PM**

MARK BOWEN
Director of Resources

Public speaking on planning application reports is a feature at meetings of the Development Control Committee and Plans Sub-Committees. It is also possible for the public to speak on Contravention Reports and Tree Preservation Orders at Plans Sub-Committees. Members of the public wishing to speak will need to have already written to the Council expressing their view on the particular matter and have indicated their wish to do so to Democratic Services **by no later than 10.00 a.m.** on the working day before the date of the meeting.

The inclusion of public contributions, and their conduct, will be at the discretion of the Chairman. Such contributions will normally be limited to two speakers per proposal, one for and one against, each with three minutes to put their point across.

For further details, please telephone **020 8313 4745**.

A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 6 MARCH 2012**
(Pages 3-14)

4 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

In accordance with the Council’s Constitution, questions to this Committee must be received in writing 4 working days before the date of the meeting. Therefore please ensure questions are received by the Democratic Services Team by 5pm on **Wednesday 28 March 2012.**

5 LONDON PLAN DRAFT SUPPLEMENTARY PLANNING GUIDANCE - LAND FOR INDUSTRY AND TRANSPORT (Pages 15-22)

6 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 to move that the Press and public be excluded during consideration of the items of business listed below as it is 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.

Items of Business

Schedule 12A Description

7 FORMER BLUE CIRCLE SITE: JOINT USE EDUCATION PAYMENT 106 CONTRIBUTION (Pages 23-30)

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 6 March 2012

Present:

Councillor Peter Dean (Chairman)
Councillor Charles Joel (Vice-Chairman)
Councillors Douglas Auld, Kathy Bance, Eric Bosshard,
Katy Boughey, Lydia Buttinger, John Canvin, Will Harmer,
John Ince, Russell Jackson, Mrs Anne Manning, Russell Mellor,
Alexa Michael and Pauline Tunncliffe

Also Present:

Councillors Julian Benington, David Hastings, David Jefferys,
Peter Morgan, Ian F. Payne and Sarah Phillips

57 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

Apologies for absence were received from Councillors Kate Lymer and Peter Fookes; Councillors William Harmer and Kathy Bance attended as their substitutes respectively.

58 DECLARATIONS OF INTEREST

There were no declarations of interest.

59 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 14 FEBRUARY 2012

Minute 51, Planning Application - Queens Gardens, Kentish Way

Page 51, 6th paragraph amended to read:-

'Councillor Mellor said he could find no inappropriate established precedent relating to or in support of the application. He was concerned with the lack of space. The Italian Garden contained beautiful flowerbeds and was vital to the centre of Bromley. The development would result in an intensification of retail use.'

Subject to the above amendment, Members **RESOLVED** that the **Minutes of the meeting held on 14 February 2012 be confirmed and signed as a true record.**

60 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

61 PLANNING REPORTS

The Committee considered the Chief Planner's report on the following planning application:-

Item No.	Ward	Description of Application
5	Bromley Town	Demolition of existing buildings and redevelopment with mixed use scheme comprising multi-screen cinema, 200 flats, 130 bedroom hotel, Class A3 units (restaurant and cafe) (including 1 unit for flexible class A1 (retail shop) Class A3 (restaurant and cafe) or Class A4 (drinking establishment) use), basement car parking, associated access arrangements (including bus parking), public realm works and ancillary development at Multistorey Car Park, Simpsons Road, Shortlands, Bromley. "

Oral representations in objection to the application were received from local resident, Ms Fiona Howarth. Whilst Ms Howarth was pleased to learn that the car park was to be replaced, the proposal to erect a structure four times the height of the car park was immeasurably worse. The bulk of the structure would fill Ms Howarth's outlook and would impact on the amount of sunshine to her balcony. There would also be a considerable loss of 'ancient lights' and the lack of privacy would affect herself and her neighbours in Ravensbourne Road.

Ms Howarth commented that the development would be more acceptable if the height of the structure was the same as the existing car park.

Referring to objections in the report received from local residents, Ms Howarth urged Members to consider modification of the plans as they currently stood.

Oral representations in support of the application were received from Mr Mark Hoskins of NTR Planning on behalf of the applicant.

Mr Hoskins outlined the professional background of the applicant who had worked successfully with various local authorities in the past.

With regard to regeneration, Mr Hoskins emphasised the following points:-

- 1) The development marked a critical point in the Council's wider delivery of the Area Action Plan.
- 2) The development would serve as a significant catalyst for Town Centre regeneration.

- 3) Bromley Town Centre had lost ground in recent years to Croydon and Bluewater.
- 4) It was imperative to encourage appropriate investment into the town centre to redress the imbalance and retain leaking income and expenditure, in this case by providing complementary uses to the town centre's primary retail offer.

Mr Hoskins stated that the scheme would generate an estimated £220 million additional spend within the town centre in the first 10 years of post completion.

In general, the scheme promoted exemplary architectural design and was heavily influenced by the need to protect neighbouring residential amenity in terms of daylight and sunlight, particularly in relation to residential properties within Newbury, Aylesbury and Ravensbourne Road. The development would be acceptable in highways terms and the implementation of the Council's Parking Migration Strategy would make the highways position even more robust.

Mr Chris Evans, Manager of the Major Developments Team, reported that late objections had been received, some of which repeated issues already summarised in the report on pages 33-35.

A letter received from the Bromley Civic Society raised concerns with regard to the impact on residential amenity; the effect on the future of the Empire Cinema; and the application being submitted to Committee without incorporating full responses from consultees.

The letter included diagrammatic representations of the relationships with nearby properties.

Mr Evans stated that in the case of complex planning applications, consultees were often involved in discussion with applicants to clarify issues before consideration of the proposals and that had occurred in this instance. An update from consultees would follow shortly.

The Hayes Village Association had no objections in principle but raised the following concerns relating to:-

- 1) visual impact;
- 2) the pedestrian route from Westmoreland Road would only be used by local residents, particularly during rush hours as public transport users from nearby areas generally alighted from buses nearer to the station. As such, the space within the scheme would be underused; and
- 3) technical matters including structural issues, fire safety, means of escape from the cinema, flood risk mitigation and location of plant rooms.

Since these concerns were raised, the applicant's planning consultant had given explanations regarding the technical issues and the Association was satisfied that its queries had been answered.

The Green Party and Bromley Friends of the Earth had submitted identical concerns regarding:-

- 1) excessive height and bulk, impact on wider views and environmental impact on the surrounding residential areas;
- 2) unattractive design;
- 3) lack of linkages to the High Street;
- 4) adverse effect on Town Centre businesses including the Empire Cinema; and
- 5) no provision for community facilities.

Mr Evans reported that late letters of support had also been received from the following:-

- 1) a nearby business in the High Street which particularly supported the cinema element of the scheme and was impressed by it's design and the opportunities it would offer for Bromley;
- 2) a resident of Bromley Gardens who considered the plans to be exciting and striking and that the cinema would bring prosperity to Bromley; and
- 3) the Churchill Theatre which stated that the development would be a positive addition to the south of the town.

Mr Evans then reported the following updates from consultees:

- 1) (Report pages 31-33) - A letter received from DC Cabe had been circulated to Members. DC Cabe supported the concepts of the application design and offered suggestions concerning the public realm and connections, landscaping and the pattern and use of external materials. Mr Evans suggested that conditions in the recommendation regarding submission of details of external materials, windows and landscaping could address certain of the issues raised by DC Cable and noted the support given to the applicant's design by the key design principles for the site in the AAP, the previous DC Cabe comments, TAP comments and the GLA officer's report. He also drew attention to the report's summary regarding design on page 53.
- 2) (Report page 35) - The Environment Agency had withdrawn its objections to the application as the technical issues previously raised had been overcome by reduction in the width of the building on the Westmoreland road frontage by 0.5m and submission of further technical material for the

Flood Risk Assessment. The Agency's letter asked that if the application was permitted, a further 7 conditions should be added (3 of the suggested conditions were already set out in the report).

- 3) (Report page 35) - Following further discussions with the applicants and subsequent to minor amendment of the scheme (mainly to the alignment of the service road) TfL had no objections to the application.
- 4) (Report pages 36-38) - The applicant's planning consultant had corresponded with the GLA officer concerning the Mayor's Stage 1 letter with the result that most concerns had been addressed. There was no provision for the Mayor's officers to consider the application further before referral by the Council following a decision at Committee, so no further comments from the officer had been received.

Members were asked to note the revised plans concerning the Environment Agency issues received on 6 March 2012.

If permitted, Mr Evans suggested the amendment of conditions 33, 35, 36, 39, 41 and 43. A further condition should also be added regarding the noise level from plant and equipment (as suggested by the Environmental Health Officer).

It was reported that the developer's Solicitor was currently dealing with the Section 106 Agreement (report page 50), which would secure benefits and obligations such as affordable housing, healthcare, education and Oyster Cards etc.

Councillor Harmer commented that the design of the proposed scheme fitted in with the scope of the Area Action Plan (AAP). In order to move forward, it was vital for shops to be maintained and for high quality entertainment to be provided. Councillor Harmer raised concerns with regard to inadequate parking for local residents and shoppers. He suggested that parking capacity should be expanded and made inference to the fact that Bluewater visitors could park easily and in some cases, free of charge. As a Bromley Town Ward Member, Councillor Harmer reported that he and the other two Ward Members would like to see the car park restored to its full capacity.

A further concern related to the impact the scheme would have on Bromley North, in particular the East Street area.

Community infrastructure was vital as there would be an influx of people to Bromley. It was essential to expand housing and improve on the transport system and its routes into central London.

As the application adhered to the AAP, Councillor Harmer would not be opposing the application.

The Chairman commended Cathedral (Bromley) Ltd (the applicant), for the work they had carried out including the efforts made to consider and alleviate the concerns of local residents and consultees. Although concerns had been

raised that the closure of Westmoreland Road Car Park would result in a lack of parking spaces in the area, the outcome of an assessment which had been undertaken had shown that sufficient parking would be available as the Council could provide up to 500 extra spaces if necessary.

The tall structure could become an icon in Bromley. The application had been approved by DC Cabe and The Architects Panel and the Chairman was impressed with how the development was situated and the way it blended in with its surroundings. He emphasised the need for developers and investors to be aware that the Authority was serious in regenerating Bromley.

The Chairman moved that the application be granted; Councillor Joel seconded the motion.

Councillor Ince concurred with the Chairman that the high structure could prove to be an iconic building however, it would be seen by many residents as over-dominant. Landscaping could be sufficient to alleviate some of the problems.

Referring to the provision of residential housing, Councillor Ince was disappointed to note that only 4 of the 200 proposed units was set aside for family accommodation and he considered that 42 units of affordable housing was insufficient. With regard to the Financial Viability Statement, Councillor Ince sought clarification on what the payment in lieu would be used for and suggested it be put towards providing affordable family homes elsewhere.

Although Councillor Bance was pleased to note the provision of affordable housing, she considered the development to be overbearing and therefore opposed the application.

In response to concerns from Councillor Buttinger about matters raised on pages 3 and 4 of DC Cabe's letter, Mr Evans suggested that the external materials condition could enable officers to discuss the cladding of the buildings with the architects and thought that amending the diagonal roof slope design might not be in the interests of the scheme.

With regard to the provision of affordable housing, Mr Evans stated that an independent appraisal of the applicant's Financial Viability Assessment had concluded that it was viable to provide either 22 or 35% affordable housing. As 22% was the proportion proposed, officers had negotiated with the developers to secure a clause in the Council's development agreement to the effect that any profit above a set 'reasonable profit' figure would be paid to the council to contribute to provision of additional affordable family housing, which would be off-site, in more suitable locations.

Councillor Michael considered the application to be important for the future of Bromley Town Centre. By sloping the tall structure, the developers had reduced a lot of bulk and massing. Although Councillor Michael agreed that the majority of the accommodation provided would be unsuitable for family

use, it would be suitable for older people or professionals. The scheme was a good start to the redevelopment of Bromley and Councillor Michael supported the application.

Councillor Mellor stated that the application before the Committee was complex and carefully detailed. The overall design concept was worthy of comment, revealing a Japanese architectural influence for the residential block. The proposal of planting trees in the lower plaza introduced a natural element in accordance with the London plan, Policy 7.5, noting that within the context of Public art of the Policy there was no winged sculpture to complement and enhance the significance of the Halo within the upper plaza level, which would further add to the visual impact of the area. Councillor Mellor suggested that landscaping should be provided along Simpsons Road to soften the visual effect of the rear wall facing the rear of the houses in Newbury Road. The lack of adequate parking spaces was a serious concern; the development conformed to the AAP and would be a vast improvement, which would enhance the area.

Whilst Councillor Boughey had doubts about the supply of parking spaces, she was certain that provision could be made available elsewhere commenting that developments within Bromley Town should be self-sufficient and that self-contained parking should be incorporated.

Councillor Mrs Manning referred to the very useful site visit which several Members attended. Whilst it was acknowledged that some residents would be affected by the development, upon walking around the area, it was clear that the developers and architects had taken everything into consideration including the impact on residents' houses and gardens. Although the buildings were visible from Newbury Road, they were further away and had been taken further back from the existing elevation of the car park. The development was of an exciting design and would benefit Bromley Town Centre. Councillor Mrs Manning's residents' association (the HVA) had raised some concerns with regard to the steps leading up to the restaurant area however, it was acknowledged that two lifts would also be located nearby. The cinema would be an added attraction to the town and would bring in customers who currently travel to Bluewater; with this in mind, Councillor Manning hoped that admittance fees to the cinema would be set at a reasonable level. Some improvement was needed to the type of material used to form the blocks of the hotel; the use of wood or brick around the focal point as people ascend the stairs would help to make the building blend in with its surroundings.

Following a vote of 13-1 in favour, **MEMBERS RESOLVED that PERMISSION BE GRANTED AS RECOMMENDED, SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT subject to referral to the Greater London Authority. Permission was also subject to the conditions and informatives set out in the report with the following amendments and additions:-**

Condition 33 amended to read:-

'33 Details of electric charging points shall be submitted to and approved in writing by the Local Planning Authority and the charging points shall be installed in accordance with the approved details before any of the car parking spaces hereby permitted are first used and shall be permanently retained in working order thereafter.

Reason: In the interests of promoting more sustainable means of car travel.'

Condition 35 amended to read:-

'35 Before any works on site are commenced, 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 noise insulation and silencing for the schemes, and filtration and purification to control odour, fumes and soot emissions of any equipment as appropriate.

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

Condition 36 amended to read:-

'36 No part of the development hereby permitted shall be commenced until details of on and off-site works to realign, divert and improve the culverted river (including the diversion of services) shall be submitted to and approved by the Local Planning Authority in consultation with the Environment Agency. The works shall be implemented in full in accordance with the approved plans before any part of the building within 10 metres of the culverted watercourses is constructed.

Reason: In order to comply with Planning Policy Statement 25 and to retain operational access to the river culverts and to prevent an increased risk of flooding.'

Condition 39 amended to read:-

'39 Development should not be commenced until impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any

new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.'

Condition 41 amended to read:-

'41 The applicant shall at his own expense instruct a specialist access consultant, approved by the Council in writing, to liaise with the developer and/or his architect or engineer to approve details of accessibility, oversee the works and report to the Council throughout the period of the works in so far as the works may affect access issues on the site. Works shall not commence on site until a consultant has been appointed. After commencement of the project, all persons employed or engaged on the project shall immediately comply with any reasonable instruction, advice or request given or made by the specialist access consultant in respect of works in so far as they relate or affect accessibility within the development.

Reason: In order to comply with Policy T5 of the Unitary Development Plan and to ensure that all access issues associated with this challenging site can be adequately addressed.'

Condition 43 amended to read:-

'43 The development hereby permitted shall be carried out in accordance with the following approved plans:-

- **11.13.01B Site Location Plan**
- **11.13.16B Proposed Floor Plan Level -5**
- **11.13.18B Proposed Floor Plan Level -4**
- **11.13.20D Proposed Floor Plan Level -3**
- **11.13.22D Proposed Floor Plan Level -2**
- **11.13.24D Proposed Floor Plan Level -1**
- **11.13.25C Proposed Floor Plan Level G**
- **11.13.26C Proposed Floor Plan Level 1**
- **11.13.27C Proposed Floor Plan Level 2**
- **11.13.28C Proposed Floor Plan Level 3**
- **11.13.29C Proposed Floor Plan Level 4**
- **11.13.30C Proposed Floor Plan Level 5**
- **11.13.31C Proposed Floor Plan Level 6**
- **11.13.32C Proposed Floor Plan Level 7**
- **11.13.33C Proposed Floor Plan Level 8**
- **11.13.34C Proposed Floor Plan Level 9**
- **11.13.35C Proposed Floor Plan Level 10**
- **11.13.36C Proposed Floor Plan Level 11**
- **11.13.37C Proposed Floor Plan Level 12**
- **11.13.38C Proposed Floor Plan Level 13**
- **11.13.39C Proposed Floor Plan Level 14**
- **11.13.40C Proposed Floor Plan Level 15**

- 11.13.41C Proposed Floor Plan Level 16
- 11.13.42C Proposed Floor Plan Level 17
- 11.13.43C Proposed Floor Plan Level 18
- 11.13.44C Proposed Floor Plan Level 19
- 11.13.52C Proposed Elevations
- 11.13.53C Proposed Elevations
- 11.13.54C Proposed Elevations
- 11.13.55B Proposed Elevations
- 11.13.56B Proposed Elevations
- 150 P01 Illustrative Masterplan Context
- 151 P01 Masterplan Context
- 152 P01 Illustrative Masterplan
- 153 P01 Landscape Masterplan
- 160 P01 External Stair and Lift GA
- 170 P01 Tree Removals Plan
- 171 P01 Green Roof Plan
- 255 P01 Landscape Section 55
- 1500 P01 Halo Outline Design
- 1501 P01 Halo Images
- 1502 P01 Planter Outline Design
- 1503 P01 Planter Images
- 1506 P01 RBS Link Outline Design.'

Additional Conditions

44 At any time the noise level from any plant (including ventilation, extraction or 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. If the plant has a distinctive tonal or intermittent nature the predicted noise level of the plant shall be increased by a further 5dBA.

Reason: In order to comply with Policy S9 of the Unitary Development Plan and to ensure a satisfactory standard of amenity for adjacent properties.

45 A minimum separation of 4m shall be provided between the buildings hereby permitted and the River Ravensbourne and River Ravensbourne East Branch culverts.

Reason: In order to comply with Planning Policy Statement 25 and to retain operational access to the river culverts and prevent an increased risk of flooding.

46 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (dated 28/02/2012 – FRA/397111 revision 5 by PEP) and the finished floor levels shall be set no lower than set out in the FRA.

Reason: In order to comply with Planning Policy Statement 25 and to reduce the risk of flooding to the proposed development and future occupants.

47 No part of the development hereby permitted shall be commenced until details of flood compensation works have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to comply with Planning Policy Statement 25 and to reduce the risk of flooding to the proposed development and future occupants.

48 The surface water drainage details shall not include infiltration into the ground other than with the written consent of the Local Planning Authority, which may be given if it can be demonstrated that there will be no risk to controlled waters.

Reason: In order to comply with Policy ER7 of the Unitary Development Plan and Planning Policy Statement 23 and to ensure that any risks relating to contamination discovered during development are dealt with appropriately.

Additional Informatives

13 The site lies immediately adjacent to the Ravensbourne. This watercourse is fed by groundwater from the surrounding Tertiary deposits (Harwich Formation, Lambeth Group and Thanet Sands). Whilst ordnance survey maps suggest that the Ravensbourne is culverted at this particular location, it is noted that it is a free flowing open channel immediately up and down stream. The Environment Agency are concerned that piled foundations for the buildings, and the piled retaining wall for what appears to be a multi-storey underground car park, could affect groundwater flows to the river.

14 The site lies within Source Protection Zone I for the Shortlands Public Water Supply. This abstracts groundwater directly from the chalk aquifer which underlies the tertiary deposits at this location. The Environment Agency are concerned that the piling could breach the top of the chalk aquifer, which could in turn have an impact on both the flow of groundwater to the abstraction and on the quality of the chalk groundwater.

62 MAYORAL COMMUNITY INFRASTRUCTURE LEVY - LOCAL INFORMATION REQUIREMENTS LIST FOR PLANNING APPLICATIONS

The Mayoral Community Infrastructure Levy (CIL) would be implemented on 1 April 2012. To assist in identifying planning applications that are CIL liable, a form would be available on the Planning Portal for applicants to complete and to set out existing and proposed floorspace. A copy of the form and general guidance notes were circulated to Members.

Members were asked to agree that the document be added to the Local Information Requirements list which was adopted by Members at a Committee meeting held on 8 February 2011.

Comments from the Legal Representative were reported at the meeting. Members were advised that in order to comply with Government guidance, consultation should be carried out over a period of 8 weeks before the additional documentation could be added to the Local Information Requirements list. Following the consultation period, the decision whether to add the form to the 'local list' should be delegated to the Chief Planner.

RESOLVED that following a consultation period of 8 weeks, the decision as to whether or not the form should be added to the Local Information Requirements list be delegated to the Chief Planner.

The Meeting ended at 8.40 pm

Chairman

Agenda Item 5

Report No.
DRR12/040

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: **Development Control Committee**

Date: **3rd April 2012**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **LONDON PLAN DRAFT SUPPLEMENTARY PLANNING GUIDANCE - LAND FOR INDUSTRY AND TRANSPORT**

Contact Officer: Neil Hawkins, Planning Policy Officer
Tel: 020 8461 7842 E-mail: neil.hawkins@bromley.gov.uk

Chief Officer: Bob McQuillan, Chief Planner

Ward: Borough-wide

1. Reason for report

- 1.1 The Mayor of London has produced a draft Supplementary Planning Guidance (SPG) on Land for Industry and Transport. The document covers a number of areas including managing industrial land and premises, providing public transport capacity and safeguarding land for transport. The SPG is currently out for consultation until 23rd April 2012.
- 1.2 A copy of the document has been placed in the Members room for information and is also available online at <http://www.london.gov.uk/publication/land-industry-and-transport-spg>
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2. RECOMMENDATION

That Development Control Committee:

- (1) Notes the publication of the draft Land for Industry and Transport SPG, and
- (2) Agree that the points included in the report paragraphs 3.19 – 3.25 form the basis of the Council's response to the consultation and that the Chairman agrees the final response in consultation with the Chief Planner for submission by the 23rd April deadline.

Corporate Policy

1. Policy Status: Existing policy.
 2. BBB Priority: Excellent Council.
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Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: N/A
 4. Total current budget for this head: £N/A
 5. Source of funding:
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Staff

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: No statutory requirement or Government guidance.
 2. Call-in: Call-in is not applicable.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Borough-wide.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

Draft SPG Main Points

- 3.1 The draft SPG sets out proposed guidance to supplement the policies in the London Plan (2011) relating to land for industrial type activities and transport. It provides advice on how to implement these policies, in particular London Plan Policy 2.17 on Strategic Industrial Locations, Policy 4.4 on Managing Industrial Land and Premises. These policies are detailed in Appendix 1.
- 3.2 The SPG provides guidance on industrial land requirements as well as on possibilities, appropriate processes and suitable locations for release of any surplus industrial land. The guidance further discusses how the requirements of different sectors can be addressed to enhance their competitiveness, giving particular attention to meeting the needs of different forms of transport, and to carrying forward the Mayor's broader concerns for improvements to the overall quality of London's environment by emphasising the importance of good design for industrial development.
- 3.3 The second part of the SPG seeks to ensure that there is a sufficient supply of land for (predominantly passenger) transport uses in London. It is recognised in the London Plan that transport plays an essential part in keeping the city prosperous economically and socially. Ensuring that land is available for transport functions close to the market it serves helps reduce the cost of provision, improve reliability and reduce transport's energy consumption.
- 3.4 Once adopted, the new SPG on Land for Industry and Transport will replace the SPG on Industrial Capacity (March 2008) and the SPG on Land for Transport Functions (March 2007). The SPF document does not set new policy, but rather explains how policies in the London Plan should be carried through into action. It will assist boroughs when preparing Development Plan Documents (DPDs) and will also be a material planning consideration when determining planning applications.
- 3.5 Structural change in the London economy over recent decades has led to a shift in employment away from traditional manufacturing industries and into the service sector. However, over the plan period for the London Plan (2011-2031) there will be increasing demand for industrial land from a range of other important industrial type functions. These include an efficient and sustainable land supply for logistics, waste management, recycling, environmental industries including renewable energy generation, transport functions, utilities, wholesale markets and some creative industries.
- 3.6 Through its planning policy framework, the Council is required to prepare and maintain a robust evidence base to ensure an adequate stock of industrial capacity to meet the future needs and functional requirements of different types of industrial and related uses, including that for good quality and affordable space. This is to be implemented by adopting the 'Plan, 'Monitor and Manage' approach to the release of surplus industrial land so that it can better contribute to strategic and local planning objectives. Boroughs are encouraged to take into account a three-stage approach: taking stock of the existing situation, creating a picture of future requirements, and identifying a new portfolio of sites.
- 3.7 Accurate monitoring of the demand and supply of industrial land has a crucial role to play in a situation where overall land supply in London is finite and competing demands on it are strong. In managing and reviewing industrial capacity, account

should be taken of the scope for consolidating industrial capacity at particularly appropriate locations. This should be considered in the light of strategic and local assessments of industrial land demand and supply (quantitative and qualitative) and must be informed by a robust appreciation of short and longer term market trends and policy guidance. Land released as a result of such consolidation exercises must be re-used to meet strategic as well as local priorities.

Strategic Industrial Locations and other Industrial Provision

3.8 Section 1.2 refers to the sources of housing supply including :

3.9 London Plan Policies 2.17 and 4.4 set out a plan-led approach to promoting and managing industrial capacity through three types of location:

- **Strategic Industrial Locations (SILs)** – a resource that must be sustained as London’s main reservoir of industrial capacity but nevertheless must itself be subject to periodic review to reconcile demand and supply.
- **Locally Significant Industrial Sites (LSIS)** - protection of which needs to be justified in assessments of supply and demand for industrial land and identified in Development Plan Documents (DPD); and
- **Other smaller industrial sites** that historically have been particularly susceptible to change. In some circumstances these sites can better meet the London Plan’s objectives in new uses, but in others will have a continuing local and strategic role for industry. This sub-category is likely to continue to be the area of greatest change

3.10 To meet the needs of different types of industries, the London Plan identifies two broad categories of SIL:

3.11 **Preferred Industrial Locations (PILs)** are suitable for firms that have less demanding environmental requirements and typically fall within the light industrial, general industrial and storage and distribution Use Classes (B1(c), B2 and B8 respectively). They are also suitable for waste management, recycling, environmental uses (including renewable energy generation), utilities and some transport-related functions such as rail and bus depots and inter-modal freight facilities.

3.12 **Industrial Business Parks (IBPs)** are for firms that need better quality surroundings and typically include activities such as research and development (B1b), light industrial (B1c) and high value-added general industrial (B2). Generally they require significantly less heavy goods access and are able to relate more harmoniously with neighbouring uses than those in PILs.

Strategic Industrial Locations in Bromley

- St Marys Cray (IBP) (which accounts for 41% of all designated business area floorspace in the Borough).
- Foots Cray Business Area (IBP) (which borders Bexley).

3.13 Detailed boundaries of SILs are for identification on DPD proposals maps. Boroughs may designate as 'Locally Significant Industrial Sites' those which lie outside the SIL framework but which robust assessments show to warrant protection because of their particular importance for local industrial type functions.

Boroughs should make explicit in DPDs the type of uses considered appropriate in LSIS.

- 3.14 The draft SPG reaffirms Bromley's ranking as 'restricted' for the transfer of industrial land to other uses. Boroughs in this category typically have low levels of industrial land relative to demand (particularly for waste management or land for logistics) and/or low proportions of industrial land within the SIL framework. Boroughs are encouraged to adopt a more restrictive approach to the transfer of industrial sites to other uses. This does not preclude the possibility of smaller scale release where boroughs have made adequate provision for industrial land in their DPDs in particular for waste management and logistics uses.
- 3.15 The Council will also have to consider guidance on industrial capacity and mixed-use redevelopment of surplus industrial land (as defined in borough assessments) which can help meet strategic and local requirements - including the delivery of housing and in appropriate locations, social infrastructure and contribute to town centre renewal. The variety of industrial capacity and provision for small and medium sized industrial enterprises will have to be considered, along with consideration for the quality of industrial capacity (including innovative approaches to intensification).
- 3.16 The draft SPD restates the parking standards set out in The London Plan. In its response to the Draft London Plan the Council indicated that the car parking standards were insufficiently flexible to support the economic vitality of outer London town centres. This is partly because the standards relate to PTALs, and the Council's view is that the PTAL system does not adequately address accessibility issues in relation to outer London town centres. The Council will use the limited flexibility provided by these standards to ensure that, as far as possible, new developments do not generate additional intrusive or obstructive on-street parking as a result of inadequate on-site provision. The Council understands that the Outer London Commission is continuing its review of parking in Outer London recognising its greater reliance on cars than inner London and the need to consider this in ensuing economic competitiveness. It is hoped that the final SPG will reflect the needs of Outer London in this respect.
- 3.17 The Council also places requirements on developers through the planning process to provide stipulated numbers of dedicated off-street parking places for disabled staff and visitors in new developments. The UDP sets out standards for disabled parking provision in new developments, and more generally the Council applies the standards for disabled parking in developments as set out in the London Plan.
- 3.18 Electric Vehicle Charging Points: The Council will ensure in general terms, that new developments minimise the impact of travel on the environment through requiring the provision of a minimum number of EV charging infrastructure in new developments as set out within the London Plan.

Council Suggested Response

- 3.19 The Council welcomes the opportunity to comment on the draft SPG. The recognition of the importance of retaining industrial land is welcomed. Members of this committee have raised concerns that industrial land and broader employment land needs to be protected and this draft SPG reaffirms this approach, subject to a robust evidence base.

- 3.20 The Council notes the importance of a ‘plan monitor and manage’ approach to industrial land - it is important that land for employment purposes, which is vital to the continued economic success of the Borough, is not lost due to the pressure to provide increasing amounts of land for housing uses.
- 3.21 There are a number of issues surrounding the provision of housing on industrial and commercial locations, particularly the impact that commercial activities could have on local residents. These factors will need to be carefully considered by the Council before decisions are made regarding sites. It is noted that housing should be developed in locations appropriate for that purpose and the Council should not be pressurised into developing housing in locations that they believe are inappropriate.
- 3.22 The London Plan already gives SIL designation to the St Marys Cray and the Foots Cray Business Areas for the Borough to identify their boundaries on the DPD proposals map. The additional ability to designate industrial land as ‘Locally Significant Industrial Sites’ (subject to robust assessments) is welcomed to enable protection of industrial land which is of local importance. This discretion is considered necessary and the Council considers itself best placed to make these decisions.
- 3.23 The draft SPG sets out three groups of criteria to be used alongside London Plan Policy when considering site specific allocations for industrial land in DPDs (as SIL or LSIS) and when developing criteria based policies to manage other smaller non-designated sites. The criteria are based on general economic factors, land use factors and indicators of industrial demand. It is felt the criteria give the Council sufficient flexibility and scope to ‘plan, manage and monitor’ industrial land and so the Council welcomes this approach.
- 3.24 The Council asks that the Outer London Commission’s work understanding the particular needs of Outer London , in particular with regard to parking as it relates to this SPG will be reflected in the final version enabling authorities to take full account of local circumstances.
- 3.25 Overall, the Council supports the draft SPG as it reinforces the London Plan policies on industrial land, which Members considers of strategic importance to the Borough.

Non-Applicable Sections:	Financial, Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	The London Plan 2011

Appendix 1

London Plan Policy 2.17 Strategic Industrial Locations

Strategic

A. The Mayor will, and boroughs and other stakeholders should, promote, manage and, where appropriate, protect the strategic industrial locations (SILs) designated in Annex 3 and illustrated in Map 2.7, as London's main reservoirs of industrial and related capacity, including general and light industrial uses, logistics, waste management and environmental industries (such as renewable energy generation), utilities, wholesale markets and some transport functions.

Planning decisions

B. Development proposals in SILs should be refused unless:

- (a) they fall within the broad industrial type activities outlined in paragraph 2.79
- (b) they are part of a strategically co-ordinated process of SIL consolidation through an opportunity area planning framework or borough development plan document
- (c) the proposal is for employment workspace to meet identified needs for small and medium sized enterprises (SMEs) or new emerging industrial sectors; or
- (d) the proposal is for small scale 'walk to' services for industrial occupiers such as workplace crèches or cafes.

C. Development proposals within or adjacent to SILs should not compromise the integrity or effectiveness of these locations in accommodating industrial type activities.

LDF preparation

D. In LDFs, boroughs should identify SILs on proposals maps and develop local policies based on clear and robust assessments of need to protect their function, to enhance their attractiveness and competitiveness for industrial type activities including access improvements.

London Plan Policy 4.4 Managing Industrial Land and Premises

Strategic

A. The Mayor will work with boroughs and other partners to:

3. adopt a rigorous approach to industrial land management to ensure a sufficient stock of land and premises to meet the future needs of different types of industrial and related uses in different parts of London, including for good quality and affordable space
4. plan, monitor and manage release of surplus industrial land where this is compatible with a) above, so that it can contribute to strategic and local planning objectives, especially those to provide more housing, and, in appropriate locations, to provide social infrastructure and to contribute to town centre renewal.

LDF preparation

B. LDFs should demonstrate how the borough stock of industrial land and premises in strategic industrial locations (Policy 2.17), locally significant industrial sites and other industrial sites will be planned and managed in local circumstances in line with this strategic policy and the location strategy in Chapter 2, taking account of:

- (a) the need to identify and protect locally significant industrial sites where justified by evidence of demand
- (b) strategic and local criteria to manage these and other industrial sites
- (c) the borough level groupings for transfer of industrial land to other uses (see Map 4.1) and strategic monitoring benchmarks for industrial land release in supplementary planning guidance
- (d) the need for strategic and local provision for waste management, transport facilities (including inter-modal freight interchanges), logistics and wholesale markets within London and the wider city region; and to accommodate demand for workspace for small and medium sized enterprises and for new and emerging industrial sectors including the need to identify sufficient capacity for renewable energy generation
- (e) quality and fitness for purpose of sites
- (f) accessibility to the strategic road network and potential for transport of goods by rail and/or water transport
- (g) accessibility to the local workforce by public transport, walking and cycling
- (h) integrated strategic and local assessments of industrial demand to justify retention and inform release of industrial capacity in order to achieve efficient use of land
- (i) the potential for surplus industrial land to help meet strategic and local requirements for a mix of other uses such as housing and, in appropriate locations, to provide social infrastructure and to contribute to town centre renewal.

Agenda Item 7

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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