



THE LONDON BOROUGH
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DATE: 3 September 2013

To: Members of the
DEVELOPMENT CONTROL COMMITTEE

Councillor Peter Dean (Chairman)
Councillor Alexa Michael (Vice-Chairman)
Councillors Graham Arthur, Douglas Auld, Eric Bosshard, Katy Boughey,
Lydia Buttinger, Nicky Dykes, Simon Fawthrop, Peter Fookes, John Ince,
Russell Jackson, Charles Joel, Mrs Anne Manning, Russell Mellor, Tom Papworth
and Richard Scoates

A meeting of the Development Control Committee will be held at Bromley Civic
Centre on **THURSDAY 12 SEPTEMBER 2013 AT 7.30 PM**

MARK BOWEN
Director of Corporate Services

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 20 JUNE 2013**
(Pages 1-8)

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 5 pm on Friday 6 September 2013.

5 PLANNING REPORTS

ITEM NO.	APPLICATION NUMBER AND ADDRESS OF DEVELOPMENT	PAGE NO.	WARD
5.1	(13/01202/FULL1) - 25 Elmfield Road, Bromley	9-32	Bromley Town
5.2	(13/01598/FULL1) - 49 Shortlands Road, Shortlands, Bromley	33-38	Shortlands

6 SALE OF LAND IN PLOTS OFF KEMNAL ROAD, CHISLEHURST - PROPOSED ARTICLE 4 DIRECTION (Pages 39-44)

7 ITALIAN GARDENS AND GLADES TERRACE APPLICATION FOR REGISTRATION AS A TOWN OR VILLAGE GREEN. (Pages 45-48)

8 PLANNING SERVICE IMPROVEMENTS AND PROGRESS WITH ACTION TO MINIMISE PLANNING APPEAL COSTS (Pages 49-62)

9 LOCAL DEVELOPMENT SCHEME VERSION 5 2013-2015 (Pages 63-84)

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Agenda Item 3

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 20 June 2013

Present:

Councillor Peter Dean (Chairman)
Councillor Alexa Michael (Vice-Chairman)
Councillors Graham Arthur, Douglas Auld, Eric Bosshard,
Lydia Buttinger, Nicky Dykes, Simon Fawthrop, Peter Fookes,
John Ince, Russell Jackson, Charles Joel, Mrs Anne Manning,
Russell Mellor, Tom Papworth, Richard Scoates and Colin Smith

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Katy Boughey;
Councillor Colin Smith attended as substitute.

2 DECLARATIONS OF INTEREST

Councillor Mrs Manning declared an interest in Item 5 as her son was a
Planning Director at GL Hearn.

At this point in the meeting, Councillor Mellor referred to three reports
considered by the Renewal and Recreation PDS Committee on 11 June 2013
namely:-

- Item 11 - Town Centres Development Programme Update;
- Item 12 - Queens Gardens Appeal - Update on Progress of the Public Inquiry; and
- Planning Appeals - Costs Decisions.

As the above reports were of great interest to DCC Members, Councillor Mellor requested (and the Chairman agreed), that these and other planning related issues should also be submitted to future meetings of DCC.

The Chief Planner would consult with the Chairman of the Renewal and Recreation PDS Committee on this matter.

3 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 9TH APRIL AND 15 MAY 2013

Councillor Fawthrop requested an update on:-

- 1) Page 60, 3rd paragraph, final sentence - the implementation of a system to incorporate Members' views in planning application reports.

- 2) Page 71, Resolution 1 - the progress made to implement the suggested action plan to minimise future planning appeal costs awarded against the Council. Councillor Fawthrop clarified that this had two aspects, namely:-
- a) the use of the recommendation "Members' Views Requested" in planning reports; and
 - b) generally taking Members' views into account.

Referring to Resolution 2 on page 61, the Chairman informed Members that the first meeting of the newly formed Panel Group would take place on 4 July 2013.

RESOLVED that the Minutes of the meetings held on 9 April and 15 May 2013 be confirmed and signed as a true record.

4 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

5 REPORT ON LOCAL PLAN 'OPTIONS AND PREFERRED STRATEGY' CONSULTATION

Report DRR13/082

When adopted, Bromley's Local Plan would guide development in the Borough for the next 15-20 years and together with the London Plan, would form the development plan for the Borough.

Members considered a summary of the consultation undertaken for the Local Plan 'Options and Preferred Strategy' stage together with responses received and the next steps to be taken. Particular attention was given to the 'soundness' and 'general conformity' of the Local Plan with the National Planning Policy Framework and the London Plan.

The Chairman expressed his disappointment that the consultation had been responded to more by third parties whose responses related to areas of concern within their specific fields of expertise. Responses received from residents largely supported the Strategy.

The majority of residents did not agree with the GLA and a number of developers who called for a review on the release of Green Belt land. The Chairman urged the Council to adhere to the current system of permitting the release of Green Belt land only in cases where exceptional circumstances for doing so were proven.

Residents considered that the current provision of gypsy and traveller sites within the Borough should be maintained.

Councillor Fawthrop conveyed his displeasure that planning applications which had already received permission were not taken into consideration when housing targets were set by the GLA. He continued to say that house building had declined since targets were introduced and that Government and Socialist interference did not aid the situation.

Referring to the GLA's view that the option for parking did not conform with the London Plan, Councillor Fawthrop believed it was the London Plan which did not conform with Government opinion. Whilst the Chairman considered that the option for minimum parking should be maintained, Councillor Fookes believed an increase in parking provision was required.

Councillor Michael was in favour of retaining the housing target of 470 units and advised the Council to inform the GLA that an increased target would have a significant impact on the character and openness of the Borough and that a distinction between inner and outer London should be made. Councillor Fookes suggested that 500 units would be a more realistic target.

Councillor Michael also urged the Council to make it clear that Green Belt land characterised the openness of the Borough and barred against urban sprawl. The release of Green Belt land should not, therefore, be permitted.

Referring to the GLA's comments (page 17, paragraph 3.4.7), that a higher density could be achieved in outer London locations in 'sensitive ways', Councillor Ince stated that areas of local character were, by their very nature, low density areas. He queried what the GLA meant by the word 'sensitive'.

Commenting on the options for Gypsies and Travellers (page 29), Councillor Mrs Manning queried why the Showmens site in King Henry's Drive was no longer used when there was a clear demand for sites. The Head of Planning and Strategy Projects believed the site was not specifically for gypsies and travellers but agreed to look into the matter further and report back to Councillor Mrs Manning.

Councillor Dykes was concerned with the loss of office space through change of use to living space. Referring to the economic recession and its impact on businesses during over the past few years, Councillor Joel was confident that the current lack of office occupation would improve in time.

Councillor Mellor was concerned at the desperate shortage of commercial land within the Borough and was vehemently opposed to the change of office use for the reason that office buildings were not suitable for conversion to residential accommodation. Councillor Ince stated that the local authority should retain its ability to decide whether or not permission for conversion should be granted.

Councillor Papworth referred to the soaring costs of house prices and the benefits captured by developers. He emphasised the need to establish a support system for younger residents who were currently required to save for

approximately 10-15 years in order to accumulate enough money for a deposit to buy a house with a mortgage costing 10 times their salaries.

Councillor Fawthrop drew attention to the double standards of the current housing supply system where developers provided social housing consisting of confined living space with no gardens however they reaped all the benefits by providing private accommodation for people who could afford bigger and better things.

Councillor Smith said that whilst there was a shortage of housing in some areas, there was actually an over-supply in others.

RESOLVED that the preferred options be progressed to develop draft policies and site allocations, with key issues and areas of potential non-conformity with the London Plan brought back to the LDFAP and DCC for further discussion.

6 LB BROMLEY FIVE YEAR HOUSING SUPPLY

Report DRR13/081

The National Planning Policy Framework specified that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. In line with this policy, Members considered the five year supply position for the Council from 1 April 2013-31 March 2018.

Councillor Fookes drew officers' attention to a number of sites which he knew to have been completed but had been omitted from the list at Appendix 1.

Councillor Mrs Manning queried the 'commenced' status for the Fairacres site as no work had actually been undertaken since permission was granted. The Head of Planning Strategy and Projects informed Members that the Council contacted developers and applicants to ascertain when they intended to start work. In addition records from the NHBC and Building Control were checked to ensure that the required Building Control Certificates had been issued. Councillor Mrs Manning was informed that work on the Fairacres site had technically started in 2010 despite the fact that only a small amount of earth had been moved since that time.

Councillor Joel reported that when planning permission was granted, works were usually required to begin within a 3 year period of time; however, permission to extend that time was often granted. The impact of the current economic recession and high mortgage rates did not help the present position. Councillor Joel would like to have sight of statistics showing the number of occupied houses along with those where work had started or been completed.

With regard to housing targets, Councillor Ince raised concern that unprotected land would be built on in such a short amount of time that the

only way to achieve the targets would be with the release of Green Belt land. He considered it would be beneficial to advise the Government or the GLA that the proposed targets should apply to rural areas where there was potential for infill and reuse of redundant farm land.

RESOLVED that the five year supply position 01/04/13-31/03/18 be agreed.

7 SUPPLEMENTARY PLANNING DOCUMENTS AFFORDABLE HOUSING AND PLANNING OBLIGATIONS: PAYMENTS IN LIEU ADDENDUM

Report DRR13/078

Members considered an addendum to the Council's adopted Supplementary Planning Documents (SPDs) on Affordable Housing and Planning Obligations. The addendum outlined changes to the methodology of calculating payments in lieu for relevant affordable housing schemes.

The Chairman informed Members that the reported change was standard market practice amongst the majority of local authorities elsewhere.

RESOLVED that:-

- 1. the addendum to the Council's adopted SPDs on Affordable Housing (2008) and Planning Obligations (2010) updating references to payments in lieu be agreed; and**
- 2. the changes in methodology to calculate payments in lieu be noted.**

8 PLANNING SERVICE IMPROVEMENTS

Report DRR 13/083

In April 2013, Members endorsed a revised Outline Planning Improvement Plan as a framework for improvement. Customer Service was identified as the primary area for review followed by Planning Enforcement.

Members considered progress to date, together with an updated version of the Improvement Plan. A report on Planning Enforcement was considered at item 9 of the agenda.

Referring to the figures outlined at the top of page 66, Councillor Mrs Manning asked why there were budget details for the year 2013/14. The Chief Planner responded that as the Improvement Plan ran from cycle-to-cycle, budget data was included in this report.

Members were informed that the most convenient date to hold the all Councillor Seminar on Planning Customer Service was being sought.

RESOLVED that the Planning Service Improvements be noted and the next priorities set out in the report be endorsed.

9 PLANNING PERFORMANCE ON IMPROVEMENTS - FOCUS ON ENFORCEMENT

Report DRR13/085

In accordance with review priorities identified in the Outline Planning Improvement Plan endorsed in January 2013, this report focussed on enforcement of planning control.

At a DCC meeting held in June 2012, Members resolved that a Local Enforcement Policy be prepared and adopted in accordance with guidance in the National Planning Policy Framework to incorporate changes introduced by the Localism Act 2011.

Members were requested to adopt the policy as a framework for reinforcing the Council's planning enforcement powers.

The Chairman was disappointed to note that the report did not tackle problems associated with enforcement action and did not include proposals for improvements to alleviate the pressure placed upon Councillors to answer residents' questions with regard to progress of enforcement action. Although informative, the report did not address existing service issues.

Councillor Michael expected to see a list of the current number of cases pending in the Borough as a whole and enquired what action would be taken to deal with outstanding cases. Councillor Michael also asked that 'direct action' be included under the list of powers available on page 205 of the report.

Members agreed that a strong, adequately staffed Enforcement Team should be in place at all times.

Councillor Jackson suggested (and the Chairman agreed), that a Member Working Party be formulated to discuss issues and cases and to identify and examine any barriers or constraints facing officers during the enforcement process. The Working Group should comprise 3 or 4 Members together with the Chief Planner and the Development Control Manager.

In outlining a specific case where legal loopholes had been used to escape enforcement action, Councillor Mellor urged the Council for speedier action to be taken when required.

Councillor Fawthrop suggested it may be beneficial to study how other local authorities deal with enforcement issues. It appeared that the Council was slow to react and often left situations to get out of control before any action was taken.

Councillor Papworth commented that the usual recourse to prosecution could be long and tedious. He suspected problems originated from enforcement policies within the Department and suggested a review of the enforcement process be carried out to ascertain how quickly the Council moved to take direct action.

RESOLVED that:-

- 1. a Working Party be formulated to discuss issues and cases and to identify and examine any barriers or constraints facing officers during the enforcement process. The Working Group to comprise 3 or 4 Members of DCC together with the Chief Planner and the Development Control Manager;**
- 2. officers establish a protocol for incorporating a response time to Members' queries; and**
- 3. a study of other local authorities be undertaken to identify how matters of enforcement were dealt with.**

10 PLANNING ENFORCEMENT - QUARTERLY MONITORING REPORT (JANUARY - MARCH 2013)

Report DRR/13/076

Members considered a summary of enforcement activity for the period 1 January to 31 March 2013, the majority of which was authorised by the Chief Planner under delegated authority.

Councillor Auld suggested that a list should be compiled on a monthly basis showing the number of outstanding uncompleted cases. The list should be submitted to the newly formed Enforcement Working Party for their consideration.

RESOLVED that:-

- 1. the report be noted; and**
- 2. a list to be compiled on a monthly basis showing the number of outstanding uncompleted cases. The list should be submitted to the Enforcement Working Party for their consideration.**

11 CHIEF PLANNER DELEGATED POWERS

Report DRR13/085

Agreement was sought for an amendment to the Chief Planner's delegated authority to include two new types of 'prior approval' associated with permitted development for householders and changes of use.

RESOLVED that changes to the Chief Planner's delegated authority be agreed.

The meeting ended at 8.30 pm

Chairman

Agenda Item 5.1

Application No : 13/01202/FULL1

Ward:
Bromley Town

Address : 25 Elmfield Road Bromley BR1 1LT

OS Grid Ref: E: 540519 N: 168817

Applicant : Taylor Wimpey East London And Objections : YES
Leander Group

Description of Development:

Demolition of existing building at 25-27 Elmfield Road and erection of 16 storey mixed use building to comprise 2 commercial/retail units at ground level (Class A1/A2/A3/B1) and office accommodation (Class B1) at the first floor level with 82 residential units on upper floors (32 one bedroom, 46 two bedroom and 4 three bedroom flats). Associated part basement/ part surface car parking (including 2 on-street car club spaces in Palace View), cycle and refuse stores and landscaping.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Bromley Town Centre Area
Local Cycle Network
Flood Zone 2
London City Airport Safeguarding
London City Airport Safeguarding Birds

Proposal

Planning permission is sought for the demolition of the existing building at 25/27 Elmfield Road and the construction of a 16 storey building to comprise 2 commercial/retail units at ground floor level (to be used within Classes A1/A2/A3/B1) and office accommodation (within Class B1) at first floor level, with 82 residential units on the upper floors (comprising 32 one bedroom, 46 two bedroom and 4 three bedroom flats). Car parking will be provided in the part basement/part surface car park (with car stackers proposed), along with 2 on-street car club spaces in Palace View. Secure cycle storage will also be provided in the basement. Landscaping works, including off-site improvements, are also proposed. A refuse store located on the ground floor is accessed from Elmfield Road.

The full details of the proposal as described by the applicant are as follows:

Appearance and scale

- 16 storey building (max. height 57m)
- lower ground, ground and first floors to form 'plinth' faced with blue brickwork

- 14 storey 'core' rising from 'plinth' to be faced with smooth white brick panels, set back from Elmfield Road frontage
- mid-height 'screen' rising to between 8 and 10 storeys, to be faced with red brickwork
- recessed balconies to all elevations, with predominance of slim windows to northern elevation

Site layout

- residential/upper floor commercial entrance on Elmfield Road with shared entrance lobby
- ground floor retail units accessed from Elmfield Road and Palace View
- hard landscaping and limited planting to Elmfield Road forecourt, with visitor cycle parking and access to refuse store
- semi-basement and surface car parking provided, accessed from Palace View via gated entrance, with a total of 50 car parking spaces including 6 disabled bays, some of which will use stacking equipment to allow 2 cars to occupy a single space
- secure cycle parking for commercial and residential accommodation (total of 144 spaces)
- 2 car club parking spaces proposed in Palace View
- off-site public realm improvements proposed including resurfacing to Palace View and lighting to the underside of Kentish Way

Mix of uses

- the building will comprise a total of 82 flats, comprising 32 one bedroom units, 46 two bedroom units and 4 three bedroom units
- a total of 14 flats are proposed to be affordable shared ownership units, comprising 6 one bedroom and 8 two bedroom units, to be located on the second and third floors of the block (this equates to approx. 17% provision on site on a unit basis)
- all of the two and three bedroom units (and some of the one bedroom units) will have outdoor amenity space provided in recessed balconies or external terraces (12th floor only)
- all residential units will be built to the 'Lifetime Homes' standard and 10% wheelchair accessible
- the development will have residential density of approx. 482 units/ha or 1,282 habitable rooms/ha (based on site area)
- ground floor to comprise 2 commercial/retail units (with internal floor areas of 139.1m² and 348.8m²) which could be used flexibly within Classes A1, A2 and A3 (retail, financial and professional services, or restaurants and cafes) or B1(a) (offices other than A2)
- first floor to comprise single open plan commercial unit (area of 758.1m²) to be used within Class B1(a) (offices other than A2)

The application is accompanied by a Planning Statement, in which the applicant offers the following summary points in support of the application:

- The Application proposes the demolition of the existing mixed use building and the erection of a 16 storey mixed use development, comprising:
 - 1,246 sqm (GIA) of commercial floorspace (Use Class B1/A1/A2/A3) at ground and first floors;
 - 82 residential units (comprising a mix of one, two and three bedroom units) provided at second to fifteenth floors;
 - Basement car parking comprising 52 spaces and 144 cycle spaces; and;
 - Enhancements to the public realm.
- The proposals have been formulated in accordance with the adopted London Plan (2011), the London Borough of Bromley Unitary Development Plan Saved Policies and the Bromley Town Centre Area Action Plan.
- The proposed development is considered to accord with the relevant policies of the adopted and emerging development plan, as well as being consistent with national planning policy.
- The proposals have been developed in the context of extensive pre-application consultation with local residents, officers at the London Borough of Bromley, the Greater London Authority and Transport for London, and local Councillors. Full details of the consultation process undertaken are set out in the accompanying Statement of Community Involvement prepared by Remarkable. As a result of consultation, significant scheme changes have been introduced to address concerns raised throughout the pre-application consultant process. These include, but are not limited to:
 - A reduction in the height of the building from 25 storeys to 16 storeys;
 - Increase in office floorspace;
 - Enhancement to the architectural treatment of the building; and
 - Alterations to the design of the building to avoid unacceptable impacts upon residential amenity, specifically overlooking and privacy.
- The proposals will deliver an appropriate mix of uses and provide a high quality built environment which is well-related to the surrounding context. The proposals will enhance the town centre and respond to policy objectives for this location which set out the need for mixed-use development.
- The existing office floorspace on site is of poor quality and is in part vacant despite considerable marketing efforts. The proposed scheme provides for 1,246 sqm (GIA) of commercial floorspace, of which at least 758 sqm (GIA) is guaranteed as Class B1 use. This will secure an uplift in commercial floorspace of at least 19% over the existing situation (possibly rising to 95%). Furthermore, the redevelopment of the site affords an opportunity to provide modern commercial space that represents a significant improvement to its quality and flexibility, in line with planning policy objectives.

- Strong support was expressed during the public consultation process for an A1 or A3 use unit to be introduced at ground floor level. The inclusion of such floorspace has been developed in order to allow active frontages, benefitting the pedestrian route which runs beneath the Kentish Way, linking the town centre and the Palace Estate.
- The delivery of new housing is a key policy requirement at all levels and the proposed development will provide high quality residential development within the town centre, with residents contributing to the viability of local services and the vitality of the wider centre. A mix of units is to be provided in line with local housing market requirements, and the decision to deliver primarily smaller units reflects the fact that Bromley is well served by larger private family units.
- We consider that the principle of a tall building in this location is wholly acceptable when considered against relevant policy considerations and other material guidance. During the design evolution of the scheme and as a result of the consultation process, the height of the proposed building has been reduced from 25 to 16 storeys.
- A Townscape and Visual Impact Assessment has been produced by Montagu Evans and accompanies this application. The assessment provides a rigorous analysis of the effects of the proposed development on the existing townscape character and setting of nearby heritage assets. It is concluded that the proposed development will have no material effect on the significance of any heritage assets or the character of any residential area studied.
- The protection of residential amenity has been an important element of the development of the application proposals. Following the consultation process, comprehensive design changes have been incorporated, including the re-orientation of balconies away from nearby houses and gardens, and the reorientation of balconies away from nearby houses and gardens.
- The proposals include the provision of 52 car parking spaces for use by residents, along with the provision of two additional spaces on Palace View for use by car club vehicles. 132 cycle spaces are to be provided for residents, along with 12 in association with the commercial use and 8 at street level for visitors and for public use.
- In conclusion, the proposed development is considered to be in accordance with relevant national and regional planning policy guidance, the Council's saved UDP policies and policy set out in the Bromley Town Centre AAP.

An addendum to the planning statement was received on 19th August 2013 which sets out the applicant's response to a number of matters raised in the local representations and consultee responses. This document also sets out 2 amendments to the proposal, comprising a proposed change to the detailed elevational treatment and the introduction of 14 shared ownership affordable residential units.

The application is supported by the following documents and reports:

Air Quality Assessment (Mott MacDonald - April 2013) - proposes mitigation measures in respect of construction impacts to avoid and reduce emissions in line with Mayor of London requirements, and concludes that during operation air quality impacts on future occupiers are considered to be negligible and the proposals are not considered to conflict with any air quality related planning policy.

Archaeological Desk Based Assessment (CgMs - March 2013) - concludes that the site can reasonably be shown to have low archaeological potential for all past periods of human activity. No further archaeological mitigation measures are recommended.

BREEAM New Construction 2011 Report (Mott MacDonald - April 2013) - sets potential target ratings of 'very good' for the retail and commercial floorspace.

Code for Sustainable Homes Strategy Report (Mott MacDonald - April 2013) - predicts that a likely Code Level 4 rating can be achieved.

Daylight/Sunlight Assessment (Anstey Horne - March 2013) - study undertaken in accordance with BRE Report 209 'Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice' which concludes that the layout of the proposed development follows BRE guidelines clearly and will not significantly reduce sunlight or daylight to existing surrounding (residential) properties. The report concludes the Bromley's policy on daylight and sunlight will be satisfied.

An update to the Daylight/Sunlight Assessment was provided as an appendix to the Planning Statement Addendum received on 19th August 2013. This assesses the impact of the development on daylighting to adjacent office buildings and concludes that whilst the development will result in reductions in daylighting to these buildings, this is partly due to the limited size of the existing building and the relative increase of any development on the site, and that office buildings are not normally afforded the same level of sensitivity regarding natural light and use of artificial lighting is more readily acceptable in office environments. The report finds with regard to overshadowing that whilst a new building will cast a longer shadow this should be of no particular concern to neighbouring commercial buildings and as the shadow will change throughout the day no one property will be materially affected for any length of time.

Design and Access Statement (RMA Architects - April 2013) - sets out the design rationale, the evolution of the scheme and the suitability of the site for a tall building. Includes Lifetime Homes checklist and details of wheelchair housing.

Energy Assessment (Mott MacDonald - April 2013) - demonstrates that the domestic and non-domestic units can meet the target carbon dioxide reduction of London Plan Policy 5.2 in their own right. The proposal includes an in-block communal heating system including natural gas CHP engine and boilers, and high efficiency photovoltaic panels will be located on the roof to provide power for central plant and to the non-domestic retail and commercial units.

Flood Risk Assessment (Mott MacDonald - April 2013) - concludes that the scheme will provide betterment over the existing site in terms of surface water management, whilst the site is at low risk of fluvial and other sources of flooding.

Heritage, Townscape and Visual Assessment (Montagu Evans - April 2013) - sets out the planning policy context for the site, outlines the historic context to the site and identified potential heritage assets, sets out existing townscape character and viewpoints and assesses the impact of the proposal on townscape including heritage and visual assets. The report includes visual representations of the development from key vistas identified in the AAP and other non-designated local viewpoints. The report concludes that the proposal will have no material effect upon the setting of any heritage assets or the character of any residential area studied, and that the development will help to better define the town centre and the location of Bromley South Train Station. The report notes that the design has been broken down through its massing, form and materials to reduce its scale impact; qualities which also introduce architectural interest and variety when seen from different angles, and as such that the building is well development and of high quality. The Assessment includes a detailed analysis of the development against the criteria set out in the CABE/English Heritage Guidance on Tall Buildings (2007).

Noise and Vibration Assessment Report (Mott MacDonald - April 2013) - proposes a scheme of noise control to protect habitable rooms from external (road traffic) noise. With suitable mitigation, the dwellings can achieve appropriate internal noise levels. The report provides external noise limits for plant associated with the development based on background noise levels. No need for a detailed assessment of ground borne vibration was identified.

Office Market Report (Knight Frank - April 2013) - concludes that whilst the Borough must be supported in ensuring the quantum of office employment space in the town centre is safeguarded where possible to meet potential future demand, the growth projections which underpin the assertions of the DTZ and GL Hearn reports are highly unrealistic. The report considers that it is beneficial to see dated, unattractive and possibly unlettable stock such as Conquest House replaced by new accommodation incorporating an increased and improved office element, and argues that the redevelopment of Conquest House will not compromise Bromley's strategic objectives for the for the intensification of office floorspace within the BIA as the site constraints mean that the large office floor plates which are most attractive to the market cannot be delivered, and there are other suitable suites in the BIA which could come forward and deliver accommodation with larger floor plates.

Phase 1 Geo-Environmental Assessment (RSK - April 2013) - recommends that intrusive investigation is conducted on demolition of the existing building to establish the contamination status of the made ground and a geotechnical investigation carried out for the design of piled foundations and other infrastructure.

Site Waste Management Plan (Reconomy - March 2013) - sets out the strategy for the management of waste arising from demolition works and construction of the proposal.

Statement of Community Involvement (Remarkable Engagement - April 2013) - sets out details of the pre-application consultation which was carried out with the local community.

Sustainability Statement (Mott MacDonald - April 2013) - sets out how the proposal will contribute to sustainable development.

Transport Assessment (Mott MacDonald - April 2013) - notes that the site has a high PTAL rating, and concludes that the level of parking provided will be adequate to cater for the needs of users of the site. Analysis of the potential impact of the development on the local highway network has concluded that there will be minimal impact on junctions in the vicinity of the site from development traffic, including the Elmfield Road, Elmfield Road/High Street and High Street/Westmoreland Road junctions.

Wind Microclimate Assessment (Mott MacDonald - March 2013) - concludes that wind conditions are predicted to be 'very comfortable' for pedestrians, with only one monitoring point falling outside of acceptable and into 'tolerable'. The report recognises that the development will have some impact on wind speeds in the locality, but that the increase is not predicted to be sufficiently problematic to warrant mitigation measures.

This concludes the applicant's submissions.

Location

The application site, which slopes downward from west to east, is located on the eastern side of Elmfield Road, Bromley, and is currently host to a two/three storey building and a private car park. The site area measures approx. 0.1665ha. The existing building is currently used as offices on the lower ground floor and a private members club on the ground floor. The first floor office accommodation is not currently occupied. A second floor flat is also vacant.

The site falls within the Business Improvement Area (BIA) designated in the Bromley Town Centre Area Action Plan. The site is mostly within Flood Zone 1 although part of the site (underneath Kentish Way) falls within Flood Zone 2.

The area immediately surrounding the site in Elmfield Road is commercial in character, with office buildings to the north, south and west. These adjacent buildings vary in height, with those to the north and south being of three/four/five storeys in height. Buildings to the west, on the opposite side of Elmfield Road, feature taller elements of around ten storeys in height. The eastern part of the site is positioned underneath an elevated highway (Kentish Way) which forms part of Transport for London's strategic road network (A21). The area immediately to the east of the site and elevated highway is residential in character, and is typified by mostly two storey inter-war detached and semi-detached dwellings, including the Palace Estate.

Comments from Local Residents

The following publicity was undertaken: site notices were displayed on the Elmfield Road and Palace View site frontages and in Rafford Way; an advertisement was displayed in the local press and the owners/occupiers of neighbouring properties were written to. A further consultation was undertaken by letter following receipt of the additional information on 19th August 2013.

A total of 130 representations were received, including 127 in objection and 3 neither in support of nor in objection to the development.

The representations received can be summarised as follows:

- poor design
- bulky and overbearing
- excessive height, out of scale with adjacent development
- overdevelopment
- harmful to character and appearance of the area
- loss of amenity to neighbouring commercial and residential development in Elmfield Road and the Palace Estate including overshadowing, loss of light, overlooking, loss of privacy and increased noise and disturbance (including from car lifting machinery)
- interference with TV signal
- negative impact on microclimate (with particular regard to wind)
- site inappropriate for tall building (is not identified as a site suitable for a taller building in the Bromley Town Centre Area Action Plan)
- proposal does not meet the CABE/English Heritage criteria for tall buildings
- located within Business Improvement Area (BIA) where residential development not appropriate
- acceptance of the proposal will lead to further mixed use/residential led development in the BIA
- inadequate car parking on site, which will have a detrimental impact on parking demand in the Palace Estate
- one way system will deter residents and visitors from using on-site parking who may choose to park in the Palace Estate
- no affordable housing proposed
- proposal exceeds recommended residential density in development plan
- some of the flats will be suitable for occupation by families and no gardens are proposed
- no need for additional retail or commercial (office) space in the town centre as there are currently many vacant properties
- other recent developments have provided the Borough with additional housing and there is no need for additional properties in this location
- proposal will place strain on local schools and healthcare provision, and services including gas, electricity and water and sewerage infrastructure

Comments were received from the Palace View Residents Association endorsing many of the above points.

A petition was received endorsing many of the above points and signed by 159 residents in Rafford Way, The Chase and Palace View.

Comments were received from Bromley Civic Society, making the following points on the application:

- no objection to some kind of redevelopment
- however proposal is too tall and harmful to the surrounding environment, particularly that of the adjacent two storey residential area of the Palace Estate
- would expect the proposal to be somewhere between the height of the Palace Estate and the Bank of America and not taller than both
- the proposals do not concur with the Town Centre Area Action Plan as the area is zoned for business improvement whereas the development is mostly residential, the site is not identified as suitable for a tall or taller building and the size of the building is likely to be detrimental to the setting of the Bishop's Palace
- the improvement to the ground floor of the building is welcome but it is felt this could be accommodated in a smaller development.

Comments from Consultees

Highways raise no objections in principle, with a number of conditions recommended relating to access arrangements, car parking, cycle parking, lighting, highway drainage, the construction works and to secure a travel plan.

Environmental Health (pollution) raise no objections in principle, and recommend a number of conditions relating to the protection of the dwellings from traffic noise, air quality and ground contamination. It is observed that details of kitchen extraction systems will be required if any of the units are to be used within Class A3. A further condition was suggested in light of the Planning Statement Addendum received on 19th August to control the noise level from the car lifting equipment in the absence of a technical specification at this stage.

The Council's Drainage Advisor requires the imposition of a condition to obtain details of the surface water drainage layout.

Thames Water advised that they were unable to determine the waste water infrastructure needs of the development on the basis of the information submitted, and would recommend a 'Grampian' style condition be applied to prevent commencement of works until a drainage strategy has been submitted. Thames Water further advised that the existing water infrastructure has insufficient capacity to meet the additional demands for the proposed development and recommended a condition to require impact studies of the existing water supply infrastructure to be carried out.

The Environment Agency (EA) advised that the proposed development is acceptable within Flood Zones 2 and 1 and supported the incorporation of SuDS, encouraging the use of green roofs and attenuation tanks. With regard to the basement car park the EA advised that the access ramp should be raised to have a crest 300mm above the 1 in 100 year plus climate change flood level so waters may not enter. It was strongly recommended that flood resilience is incorporated into the design of the basement and lower ground floors of the development.

The Metropolitan Police Crime Prevention Design Advisor required the standard 'secured by design' condition to be imposed.

English Heritage recommended the approval of the archaeological report submitted with the application and required no further archaeological investigation to be undertaken.

The Council sought external design advice on the application. In principle it was considered that a building of the size proposed is acceptable in as part of the continued development of Bromley Town Centre, however that whilst the design appears generally suitable, further thought is needed to address the impact of the northern elevation, perhaps with more articulation.

The application was referable to the Mayor of London under category 1C of the schedule to the Town and Country Planning (Mayor of London) Order 2008, since comprising a new building of more than 30m in height outside of the City of London. The Greater London Authority provided its Stage 1 response on 3rd June 2013, which concluded that whilst the application is broadly acceptable in strategic terms, on balance, the application does not fully comply with the London Plan. The following areas of concern were identified:

- it is clear that the lack of affordable housing can be attributed more to technical rather than financial viability reasons and that the exceptional circumstances to justify an off-site contribution in-lieu of on-site delivery are not sufficiently robust in this instance, given the failure to consider shared ownership alternatives
- if the off-site affordable option is to be pursued, the applicant should identify and secure a suitable other site
- the architectural design of the scheme needs further work to ensure that the building is inspiring and elegant, and reflects its prominence on the Bromley skyline. The applicant is advised to keep the massing simple and slender and focus on the quality of the detailing, and the designers encouraged to increase the use of brick over aluminium cladding
- further information required in respect of the energy efficiency of the building to demonstrate compliance with the London Plan
- recommendations given regarding surface water attenuation and reducing flood risk to seek to comply with the sustainable drainage hierarchy in Policy 5.13 of the London Plan.

The Mayor's Stage 1 response also incorporated comments from Transport for London. Whilst supporting the development proposal in principle, a number of strategic transport issues were identified which need to be addressed, as follows:

- verifying the provision of electric vehicle charging and parking for the commercial element
- securing a detailed travel plan by condition
- securing by condition a requirement for the applicant to submit a detailed construction methodology statement
- securing by condition a requirement for the applicant to submit a detailed public realm enhancement plan

- considering how the potential objection by TfL to the provision of car parking stackers and cycle stores under the A21 Kentish Way flyover can be satisfactorily overcome.

Any further consultee comments made in light of the Addendum to the Planning Statement received on 19th August 2013 will be reported verbally at the meeting.

Planning Considerations

The proposal falls to be considered primarily with regard to the following policies:

Unitary Development Plan

- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility
- T7 Cyclists
- T18 Road Safety
- H1 Housing Supply
- H2 Affordable Housing
- H7 Housing Density and Design
- BE1 Design of New Development
- BE2 Mixed Use Developments
- BE17 High Buildings
- S9 Food and Drink Premises
- ER9 Ventilation
- IMP1 Planning Obligations

Bromley Town Centre Area Action Plan (AAP)

- BTC1: Mixed Use Development
- BTC2: Residential Development
- BTC3: Promoting Housing Choice
- BTC4: New Retail Facilities
- BTC5: Office Development
- BTC8: Sustainable Design and Construction
- BTC9: Flood Risk
- BTC11: Drainage
- BTC12: Water and Sewerage Infrastructure
- BTC16: Noise
- BTC17: Design Quality
- BTC18: Public Realm
- BTC19: Building Height
- BTC20: Play and Informal Recreation
- BTC24: Walking and Cycling
- BTC25: Parking
- BTC28: Car Clubs

IA2: Business Improvement Areas

London Plan

- 2.6 Outer London: Vision and Strategy
- 2.7 Outer London Economy
- 2.8 Outer London: Transport
- 2.15 Town centres
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young peoples' play and informal recreation facilities
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy and development proposals
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.15 Water use and supplies
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 8.2 Planning Obligations.
- 8.3 Community Infrastructure Levy

The National Planning Policy Framework (NPPF) is also a consideration. Sections 2 'Ensuring the vitality of town centres'; 6 'Delivering a wide choice of high quality homes' and 7 'Requiring good design' are of particular relevance here.

The following Supplementary Planning Documents (SPD) produced by the Council are relevant:

- Affordable Housing SPD
- Planning Obligations SPD.

The following documents produced by the Mayor of London are relevant:

- The Mayor's Economic Development Strategy
- Housing Supplementary Planning Guidance
- Providing for Children and Young People's Play and Informal Recreation Supplementary Planning Guidance (SPG)
- Housing Strategy
- Accessible London: achieving an inclusive environment
- The Mayor's Transport Strategy
- Mayor's Climate Change Mitigation and Energy Strategy
- Sustainable Design and Construction SPG

The following non-statutory guidance is also relevant:

CABE/English Heritage Guidance on Tall Buildings (2007)

In accordance with the adopted Planning Obligations SPD, the Council would be seeking the following contributions:

- £159,729.90 for local education infrastructure
- £79,786 for local health infrastructure.

The development will also be liable for payment of the Mayoral Community Infrastructure Levy.

A financial viability assessment (FVA) was submitted confidentially with the application. An independent review of this information was commissioned by the Council. The review found that the assumptions in the FVA are generally reasonable. However, with some adjustment to the value of the commercial space, the sales and marketing costs, and the developer's profit (to reflect CIL) the development would achieve a higher residual value than the FVA predicts. In addition, sensitivity analysis was undertaken as part of the independent review, which concluded that it would be possible to introduce a quantum of affordable housing (shared ownership) on site, without significantly impacting on the viability of the scheme. In response to these findings, the applicant put forward a late offer of 14 affordable (shared ownership) units on 19th August 2013. The independent assessor acting on behalf of the Council to advise on viability matters has initially indicated that whilst this offer is positive, the development could support a higher offer of on-site affordable and continue to be viable. Members will be provided with a further update on this matter at the meeting.

From the conservation perspective it is noted that the site is approximately 300 metres to the south of the Bromley Town Centre conservation area and given the nature of development in this area it is not considered that the proposal would impact upon views into or out of the conservation area. The nearest listed buildings

are the Former Bishops Palace off Rafford Way and the St Marks School on Mason's Hill. Again given the separation and changes in topography it is considered that there would be no visual harm to the setting of these heritage assets. In particular, views from the grounds of the Palace Gardens would not be impacted upon due to the screening provided by existing development and trees.

Analysis

Amount of development, height, siting and design of the building and its impact on the character of the area

The Bromley Town Centre Area Action Plan (AAP) recognises that the majority of buildings in the town are between 2-5 storeys in height, however south of Elmfield Road, some buildings are up to 10 storeys high. The AAP identifies four sites which, in accordance with policy BTC19 'Building Height', are considered to be suitable for the development of taller buildings, subject to design and environmental considerations, impact on listed buildings and the Bromley Town Conservation Area, impact on views of the Keston Ridge and integration with the surrounding area. Members will be aware that Opportunity Site K, located at Simpsons Road at the southern gateway to the town centre, is one such site which the AAP identifies as suitable for a taller building, and that development is currently underway to comprehensively redevelop the site, with a mixed use development of up to 19 storeys in height.

The application site is not one of the sites identified as having potential for a taller building in the AAP subject to various considerations. This is significant because they represent the AAP's policy on a suitable location for tall buildings, based on urban design and townscape analysis.

The application includes a Heritage, Townscape and Visual Impact Assessment, which analyses the impact of the development upon key town centre views (including strategic views identified in the development plan). The report concludes that the development would not impact detrimentally on the setting of any heritage assets (including Listed Buildings) or the Bromley Town Conservation Area.

With particular regard to taller buildings, UDP Policy BE17 and London Plan Policy 7.7 are of relevance. Policy BE17 states that proposals for buildings which significantly exceed the general height of buildings will be required to provide a design of outstanding architectural quality that will enhance the skyline and a complete and well-designed setting, including hard and soft landscaping, so that development will interact and contribute positively to its surroundings at street level. London Plan Policy 7.7 states that taller buildings should only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building. Among other considerations, London Plan Policy 7.7 also states that taller buildings should relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level; and incorporate the highest standards of architecture and materials. Tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence,

overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference, and should not impact on local or strategic views adversely.

More generally, UDP Policy BE1, which relates to the design of new development and London Plan Policies 7.6 'Architecture' and 3.5 'Quality and design of housing developments' are also of relevance. A key theme running through all of these policies is that new development should respond to its physical context, respecting and complementing the form, proportion, layout and scale of adjacent development.

The CABE/English Heritage Guidance on Tall Buildings (2007) sets out criteria for the evaluation of tall building proposals, including relationship to context, the effect on the historic context, architectural quality and credibility of design. The guidance advises that to be acceptable, any new tall building should be in an appropriate location, be of excellent design quality in its own right and should enhance the qualities of its immediate location and wider setting.

The proposed development will, at 16 storeys in height, be significantly taller than the existing building on the site (2/3 storeys in height), neighbouring buildings on the eastern side of Elmfield Road (4/5 storeys in height), and adjacent residential development in the Palace Estate (typically 2 storeys in height). The development will also be taller than the existing development on the opposite side of Elmfield Road, which at 10 storeys in height is noted as the tallest existing development in this part of the town centre, and visible as such in the wider townscape. Whilst buildings heights are varied in this part of the town centre, there are no existing buildings of the height proposed in this case.

The site is partially covered by the elevated roadway (Kentish Way/A21) which itself is around the equivalent of 3 building storeys in height, sitting just below the rooftops of the nearest dwellings in Rafford Way. This existing townscape feature acts as a clear marker in delineating the eastern edge of the town centre and the taller, higher density development in Elmfield Road from the smaller scale, lower density residential development in the Palace Estate. Currently, the lower building heights on the eastern side of Elmfield Road facilitate a soft transition between these two distinct areas, with development appearing to rise relatively gradually from 2 to 10 storeys in height.

The proposed development, which will be of significant height and mass, will be positioned very close the elevated roadway, rising sharply upwards and appearing as a dominant and overbearing built form in the local area, particularly when viewed from Kentish Way and the Palace Estate to the east. The full height of the building will be unrelieved when viewed from the east, with no set-back proposed for the uppermost floors as incorporated in the western elevation. The development will relate poorly to its neighbours on the eastern side of Elmfield Road, being of significantly greater scale, appearing discordant with this part of the Bromley town skyline. Set against the adjacent 4/5 storey development in Elmfield Road, the development would appear jarring and out of character. The proposal would not therefore relate well to the form, proportion, scale and character of surrounding buildings as required by UDP Policy BE1 and London Plan Policy 7.7.

The proposed building will be set on a two storey 'plinth', which will itself be located around 3.4m from the elevated roadway to the east, a minimum of approx. 0.8m to the northern flank boundary and approx. 0.6m from the southern flank boundary (fronting Palace View). As the site is partly underneath Kentish Way, the actual area of the site than can reasonably be developed is limited. The proposal maximises the use of the developable area, and proposes that only very limited space is retained to boundaries (particularly the flank boundaries), with limited opportunity to provide an attractive setting at street level as a consequence. Indeed, the development would appear to rise to its full 16 storeys almost from the pavement edge in Palace View.

In view of the height and scale of the development proposed, the set back from boundaries would be insufficient to offset the scale of the building when viewed from street level and as a result, it is considered that the development would occupy a dominant and overbearing position in the street scene in Palace View and Elmfield Road. For these reasons, the development would not be of the high standard of design and layout required by UDP Policy BE1.

As noted in the GLA's Stage 1 response, the proposal exceeds the density guidance set out at Table 3.2 in the London Plan at 482 units/ha or 1,282 habitable rooms/ha. London Plan Policy 3.5 states that residential development should accord with the density matrix at Table 3.2 and take account of the physical context, local character, density, tenure and land use mix. In this case, the local area is characterised predominantly by non-residential development, being within the Business Improvement Area designated in the AAP and is characterised by built development which is typically of lesser height and scale than that proposed in this case.

With particular regard to the design of the building, both UDP Policy BE17 and London Plan Policy 7.7 are clear requiring taller development to be of the highest architectural quality. In the GLA's Stage 1 response, it was advised that the architectural design of the scheme needs further work to ensure that the building is inspiring and elegant, and reflects its prominence on the Bromley skyline. The response further advised the applicant to keep the massing simple and slender and focus on the quality of the detailing, and the designers encouraged to increase the use of brick over aluminium cladding. In response, a revised elevational detail, incorporating light coloured brick panels in place of the aluminium cladding, was submitted as part of the addendum to the Planning Statement received on 19th August 2013. No revisions to the massing of the building were proposed, however.

Notwithstanding the independent design advice received by the Council, it is considered that in its current form, the proposal is not of the highest architectural quality and would not reflect the prominent siting of the building on the edge of the town centre. The overall form of the building is relatively simplistic, with only limited detailing to add interest and break up the mass of the building. It is considered that the northern elevation is particularly unsuccessful, with its predominance of narrow windows adding a strong vertical element and emphasising the height of the building. This elevation will be one of the more prominent views in the wider townscape, being visible in longer distance views to the south from Kentish Way and beyond. In addition, the predominant use of dark

brickwork (blue engineering bricks for the plinth and red stock bricks for the mid-height screen) does little to soften the significant mass of the building, compounding the dominance of the building and the harm caused to the character of the area in this case.

Impact on amenities of adjacent properties (including adjacent commercial property in Elmfield Road and dwellings in the Palace Estate)

UDP Policy BE1 applies to all development proposals and requires that the relationship with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings. In addition, the policy requires development to respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing. With particular regard to tall buildings London Plan Policy 7.7 states that such development should not adversely affect their surroundings in terms of microclimate, wind turbulence overshadowing and noise (among other factors).

The application includes a Daylight and Sunlight Assessment which concludes that neighbouring residential properties in the Palace Estate will not suffer an unacceptable loss of daylight or sunlight as a result of the development, with impacts falling comfortably within the Building Research Establishment (BRE) Guidelines. The Council commissioned an independent review of the Assessment, which found that it had been carried out in accordance with BRE guidelines but highlighted the lack of any assessment on the adjacent commercial buildings in Elmfield Road, and advised that the inclusion of these buildings would have been a more reasonable approach.

A further submission from the applicant (received 19th August) assessed the impact of the development on the daylighting and sunlighting to adjacent commercial buildings in Elmfield Road in response to this advice. This report found that the reduction in daylight values to adjacent commercial buildings would exceed the values set out in the BRE Guidelines, but that this is in part due to the limited height and mass of the existing building, with any building of more material height being likely to fall foul of the guidelines when rigidly applied. An independent review of this additional submission advised that the results were sufficient to conclude that the reduction in daylight would be 'noticeable' to occupiers of the affected rooms in adjacent commercial buildings but that as it is a non-domestic building the likelihood of any such impact actually being 'noticeable' in the same way as it might be in a domestic property is reduced. However, it should be noted that Policy IA2 of the AAP, which relates to the Business Improvement Areas, seeks the creation of a high quality business environment, and it is questioned whether the proposal would meet the aims of this policy in compromising the level of daylight which is currently enjoyed by the adjacent commercial buildings.

Members will be aware that the BRE Guidelines are not an instrument of planning policy but may agree that the technical reports submitted with the application provide a good indication as to the likely impact on the levels of daylight and sunlight which are currently enjoyed by neighbouring residential and commercial

properties, to inform the acceptability of any impact in planning terms. In this instance, the impact on neighbouring dwellings in the Palace Estate appears to fall within the tolerances set out in the BRE Guidelines. The applicant's report concludes that the daylight enjoyed by No. 1 Rafford Way, 3a and 4 Palace View will suffer little or no impact, with full BRE adherence demonstrated. Levels of sunlight received to No. 1 Rafford Way will be fully BRE adherent for winter and annual sunlight. With particular regard to sunlight to surrounding gardens and open spaces, the rear gardens to Nos. 1 and 3 Rafford Way will receive at least 2 hours of direct sunlight on 21st March to 91.35% and 82.89% of their areas and would comfortably meet the BRE guideline of 50%. With regard to overshadowing, the report notes that the development will result in additional transient overshadowing to the rear gardens of residential properties to the east, occurring from late early to late afternoons for the key dates tested, however that this is not adverse with these amenity areas continuing to enjoy good sunlight for much of the day before and after the shadows have passed.

In planning terms, it may be considered that the development would not give rise to an unacceptable loss of daylight, sunlight or overshadowing. With regard to the impact on adjacent commercial buildings, Members will note the conclusions of the assessment undertaken by the applicant which find that the reduction in levels of daylighting would be 'noticeable'. However, the expectation for levels of daylight and sunlight to commercial buildings may be lower than domestic properties and as a consequence, Members may agree that any impact in this instance would not be so significant to warrant the refusal of planning permission for this reason.

With regard to the possibility of overlooking and loss of privacy to arise, the scale of the building and its proximity to the Palace Estate are such that this is an area of the proposal which will require very careful consideration. It is principally the eastern elevation that is likely to cause concern, with views from the southern elevation facing primarily towards adjacent commercial properties in Elmfield Road, and the inclusion of narrow windows in the northern elevation which will limit the possibility for oblique views towards Rafford Way to the north/east.

With particular regard to the eastern elevation, it is anticipated that views towards neighbouring dwellings in Rafford Way will be afforded from the windows serving habitable rooms and balconies proposed. In particular, the views towards the front elevations of Nos. 2 and 4 Rafford Way are likely to give rise to a strong sense of overlooking to these properties given the proximity of the building, its height and the number of windows and balconies in the eastern elevation, giving rise to a loss of amenity to the dwellings in question. Whilst existing buildings in Elmfield Road contain windows facing to the east, the nearest buildings to the Palace Estate are typically of lower height than the proposed development and are predominantly non-residential, with the likelihood for overlooking significantly reduced as a consequence.

With regard to the nearest properties to the site at Nos. 1 and 3 Rafford Way, these are positioned and orientated at an angle to the site and direct views are likely to be limited, particularly in view of the close relationship of these properties to Kentish Way. Whilst the eastern elevation will have direct line of sight along the rear gardens to properties on the northern side of Palace View, the perception of

overlooking to these properties is likely to be softened by their orientation north-south, with the development located to the west.

Quality of residential accommodation

The application states that all dwellings will meet or exceed the minimum space standards set out in the London Plan and will be built to Lifetime Homes standards. The majority of the flats proposed provide dual-aspect accommodation, and all flats will have access to a private balcony or terrace. 8 of the flats (approx. 10%) are proposed to be wheelchair accessible. The quality of residential accommodation proposed is considered to be satisfactory.

Affordable Housing

The current offer from the applicant of 14 shared ownership units on-site does not meet the Council's affordable housing policy set out at Policy H2 of the Unitary Development Plan. The offer is below the requirement of 35% affordable housing by habitable room (equating to around 14% by unit), and no rented housing is proposed with no justification as to why rented units cannot be provided onsite (through redesign if necessary). In addition, none of the proposed affordable units are suitable for larger family size housing; and none of the affordable units will provide wheelchair adapted housing.

Whilst the applicant has indicated that this is justified by both design and development viability issues, the independent assessor working on behalf of the Council has indicated that the current offer does not represent the maximum level of affordable housing that can be viably provided onsite. In conclusion, the application does not comply with Policy H2.

Development in the Business Improvement Area

The site falls within the designated Business Improvement Area (BIA) in the AAP. Paragraph 5.15.1 sets the background to the designation, which seeks to create a high quality business environment for the retention of existing businesses and new business development. Policy IA2 relates to Business Improvement Areas and states that development proposals resulting in the loss of B1 office floorspace will not be permitted in the Business Improvement Areas, and further that the Council will work with businesses to secure improvements to premises and facilities and the appearance of the public realm to create a high quality business environment.

AAP Policy BTC5 deals specifically with office development in the town centre and advises that the Council will seek to maximise the opportunities for new employment generating activity through the development of around 7,000sq m (gross) of additional office space on Opportunity Sites A and C. Since the AAP was adopted in 2010 there have been a number of material events that have occurred that need to be considered in the assessment of the current proposal. Firstly, opportunity site A has been successfully challenged and following a High Court ruling the Council was ordered to remove Policy OSA from the AAP and prepare a new policy for the site. This is currently being undertaken as part of the Local Plan review. Second, Opportunity Site C (the former Old Town Hall site) has

been successfully marketed and the Council has reached agreement with a potential development partner to redevelop the site for a high quality hotel and conference centre. As a consequence there is now a need to secure 7,000m² of office floorspace under Policy BTC5 over the plan period.

It is considered that the office marketing evidence submitted with the application is inconclusive. Feedback from local agents on the state of the office market in Bromley would suggest that there is a strong demand for Grade A office stock in the town, which is not met by supply because of the lack of suitable sites coming forward for redevelopment. We do not accept the applicant's assertion that the growth projections in the reports by DTZ and GL Hearn are unrealistic. The conclusions of the DTZ and GL Hearn reports; that there is a substantial requirement for office floorspace and that Bromley Town Centre, in particular the area close to Bromley South Station are the favoured locations, should be taken into account.

In this case the Council considers that the quantum of office floorspace proposed is unacceptable. There is an inadequate net increase of office floorspace; the balance has to be predominantly of office floorspace because the site is located in a Business Improvement Area. Given the quantum of residential units proposed in the development (82 units) the residential element dominates the development while the office element is supplemental and incidental to it. This detracts from the objective of policy IA2 which seeks to promote new business development in the Business Improvement Areas, and the proposal does not maximise the new employment generating opportunities that are required under Policy BTC5.

Transport and Parking

From the technical Highways perspective, the development raises no significant concerns. The level of parking provision (including disabled bays) is acceptable, as is the level of cycle parking to be provided. It is recommended that 1 in 5 car parking spaces should include charging points to encourage the uptake of electric vehicles. The car club spaces proposed in Palace View are considered acceptable. It is observed that the application includes a summary of the predicted impact of development traffic on junctions in the vicinity of the site. It is predicted that there will be a 6% increase in traffic at the Elmfield Rd junction, a 5% increase at the Elmfield Rd/High St junction and a 1% increase at the High Street/Westmoreland Rd junction as a result of traffic from the proposed development. A number of conditions have been recommended in the event that planning permission is granted.

Transport for London (TfL) have provided comments as part of the GLA's Stage 1 response, which identified a number of areas which required further consideration. Some of the matters, including the provision of electric vehicle charging points, submission of a travel plan and construction methodology statement, were also raised by Highways and could be the subject of suitable conditions in the event that planning permission is granted.

Conclusions

The existing building on the site makes a neutral contribution to the area and there is no objection in principle to the redevelopment of the site with a slightly taller development incorporating an appropriate mix of uses having regard to the Business Improvement Area (BIA) designation.

However, the development currently proposed is excessive in terms of height and scale, and would result in excessive site coverage constitute an overdevelopment of the site, with inadequate separation to boundaries and space retained at ground floor level to offset the significant height and mass of the building. The residential density of the development, which exceeds policy guidance, is a further symptom of overdevelopment in this case.

The proposed development is not of the highest architectural quality and will have a negative impact on the character of the area appearing as an overly dominant and overbearing addition to the eastern side of Elmfield Road. In this case, it is not considered that the site can suitably accommodate a building of the height and scale proposed given its restricted size and sensitive location on the edge of the town centre adjacent to small scale, low density residential development in the Palace Estate.

Whilst the applicant has been able to revise the development to provide an offer of 14 affordable (shared ownership) units on site, which falls short of the 35% on-site provision required by UDP Policy H2 and would not provide any rented units with insufficient justification provided to demonstrate that this cannot be provided on site. A revised Financial Viability Assessment has been considered by the Council's appointed independent assessors, and initial comments received suggest that the scheme could support a higher offer of on-site provision and continue to be viable.

The proposal involves the replacement (and potentially an increase) over the existing office accommodation on site, but by introducing a significant proportion of residential development into the designated Business Improvement Area, the scheme will compromise the overall aims of the Council to seek improvements to and the delivery of office accommodation in this part of the town centre.

As amended by documents received 19.8.2013

RECOMMENDATION: PERMISSION BE REFUSED
Subject to any direction by the Mayor of London

The reasons for refusal are:

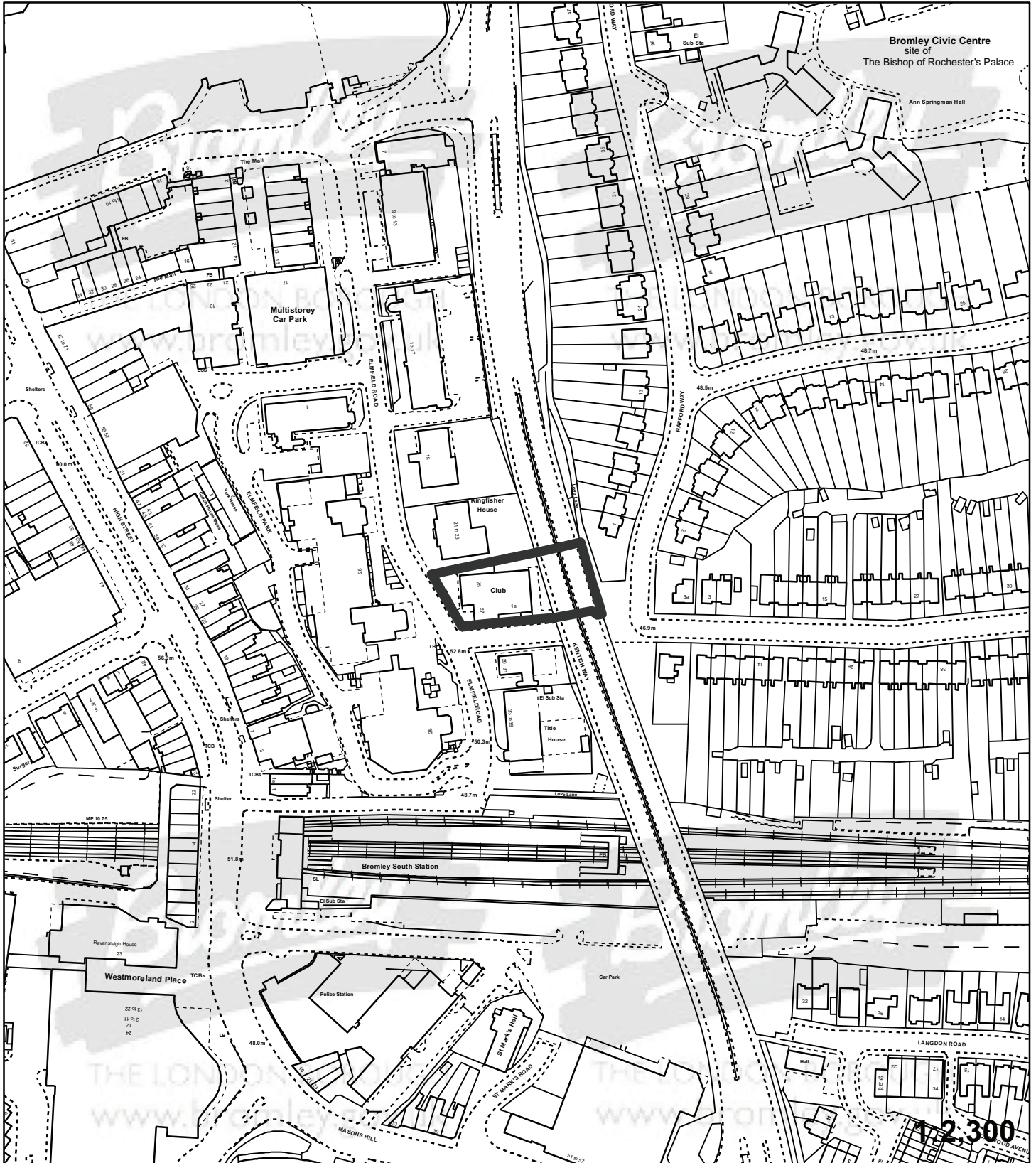
- 1 The proposed development would, by reason of its height, scale, siting and design appear as an unduly prominent and overbearing addition to the town centre skyline, out of character with the scale, form and proportion of adjacent development, giving rise to an unacceptable degree of harm to the character and appearance of the area including the adjacent Palace Estate, contrary to Policies BE1 and BE17 of the Unitary Development Plan, Policy BTC19 of the Bromley Town Centre Area Action Plan and London Plan Policy 7.7.

- 2 The proposed development would, by reason of the height, scale and footprint of the building and its proximity to boundaries and Kentish Way constitute an overdevelopment of the site, with very limited space retained at street level to offset the significant mass of built development and provide a satisfactory setting for the development, and would give rise to a loss of amenity to neighbouring residents with particular regard to overlooking and loss of privacy, contrary to Policy BE1 of the Unitary Development Plan and London Plan Policy 7.7.
- 3 The proposed development would fail to meet the Council's requirements for the provision of on-site affordable housing, with insufficient justification provided to demonstrate that a lower level of on-site affordable housing or different tenure mix should be sought in this case, contrary to Policy H2 of the Unitary Development Plan.
- 4 The proposed development would, by reason of the proposed land use mix , result in an inadequate provision of employment floorspace, which would not maximise the opportunity for new employment generating activity in the Business Improvement Area, contrary to Policy BTC5 and Policy IA2 of the Bromley Town Centre Area Action Plan.

Application:13/01202/FULL1

Address: 25 Elmfield Road Bromley BR1 1LT

Proposal: Demolition of existing building at 25-27 Elmfield Road and erection of 16 storey mixed use building to comprise 2 commercial/retail units at ground level (Class A1/A2/A3/B1) and office accommodation (Class B1) at the first floor level with 82 residential units on upper floors



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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Agenda Item 5.2

Application No : 13/01598/FULL1

Ward:
Shortlands

Address : 49 Shortlands Road Shortlands Bromley
BR2 0JJ

OS Grid Ref: E: 539002 N: 168842

Applicant : Jemcap Ltd

Objections : YES

Description of Development:

Single storey side/rear extension, and conversion of lower ground floor flat to provide 1 two bedroom and 1 one bedroom flats.

Key designations:

Conservation Area: Shortlands
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Local Distributor Roads
Open Space Deficiency

This application was deferred by Members at Plans Sub-Committee on 8th August in order to go to Development Control Committee as no decision was reached by Members at the meeting. The earlier report is repeated below.

Proposal

Permission was granted in September 2012 to convert this building into 4 two bedroom flats under ref.12/02120 (one flat per floor), although conversion works do not appear to have started.

It is now proposed to add a single storey side and rear extension to the building in order to enlarge the permitted basement flat and convert it into 1 two bedroom and 1 one bedroom flats, thus resulting in a total of 5 flats within the building.

The single storey side/rear extension, which is located at basement level, would be set back 4.2m from the front of the building, and would abut the north-eastern flank boundary with No.47. It would project 3m to the rear, and while the part of the extension to the side of the house would have a pitched roof, the rear part would have a flat roof.

Location

This large semi-detached property lies on the south-eastern side of Shortlands Road, within Shortlands Conservation Area. To the north and south are similar type properties which have been converted into flats.

Comments from Local Residents

A Ward Councillor who lives nearby has expressed the following concerns about the proposals:

- overlarge rearward extension which would be out of character with the surrounding area
- would change rear building line of matching Victorian properties and would set a precedent
- harmful impact on outlook from neighbouring property
- detrimental to the visual amenities of the Conservation Area
- proposed 1.8m high fence dividing the gardens of the flats would be out of keeping with neighbouring properties which have large open rear gardens and would alter spatial standards.

Comments from Consultees

No objections are raised to the proposals from a highways perspective as the frontage could adequately accommodate up to 5 cars, therefore any overspill onto Shortlands Road is unlikely.

From an Environmental Health point of view, concerns are raised about the inadequate natural lighting and ventilation to the front right-hand bedroom to Basement Flat 1, which was previously to be a kitchen.

The proposals were not viewed by APCA.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan

BE1 Design of New Development
BE11 Conservation Areas
H7 Housing Density & Design
H9 Side Space
T3 Parking

Planning History

Permission was refused in May 2013 (ref. 13/00460) for a larger part one/two storey side/rear extension to provide 2 two bedroom basement flats on the following grounds:

"The proposed two storey side extension, by reason of its size, height and close proximity to the north-eastern flank boundary, would constitute a

cramped form of development, out of character with the street scene, conducive to a retrograde lowering of the spatial standards of Shortlands Conservation Area, and contrary to Policies H9, BE1 and BE11 of the Unitary Development Plan."

No appeal has been lodged to date.

Conclusions

The main issues relating to the application are the effect that it would have on the character and appearance of Shortlands Conservation Area and the impact that it would have on the amenities of the occupants of surrounding residential properties, and on parking provision in the area.

The main difference between the current and refused scheme is that the extension will now be single storey only, rather than two storey at the side, thus lessening the overall bulk of the extension when viewed within the street scene. Also, as the extension would now comprise single storey development only, it would not contravene the Council's side space policy which relates only to two (or more) storey development.

The extension would have a pitched roof at the side and a flat roof at the rear, and would project 3m to the rear at lower ground floor level. Although the proposals will have some impact on the outlook from neighbouring flats, the extension, which replaces a raised access platform, is low-level, and the impact is not considered to be significantly harmful to warrant a refusal in this case.

Adequate parking would be provided to meet the needs of the development.

The limited natural lighting and ventilation to the front right-hand bedroom to Basement Flat 1 is not considered to be sufficiently detrimental to warrant a refusal on these grounds alone.

With regard to concerns raised about the 1.8m high dividing fence in the rear garden, planning permission would not be required for a fence below 2m in height.

The revised proposals are therefore considered to adequately overcome the previous grounds for refusal, and are not considered to have a harmful impact on the character and amenities of Shortlands Conservation Area, nor on the amenities of neighbouring properties.

Background papers referred to during production of this report comprise all correspondence on files refs. 13/00460 and 13/01598, excluding exempt information.

RECOMMENDATION: PERMISSION

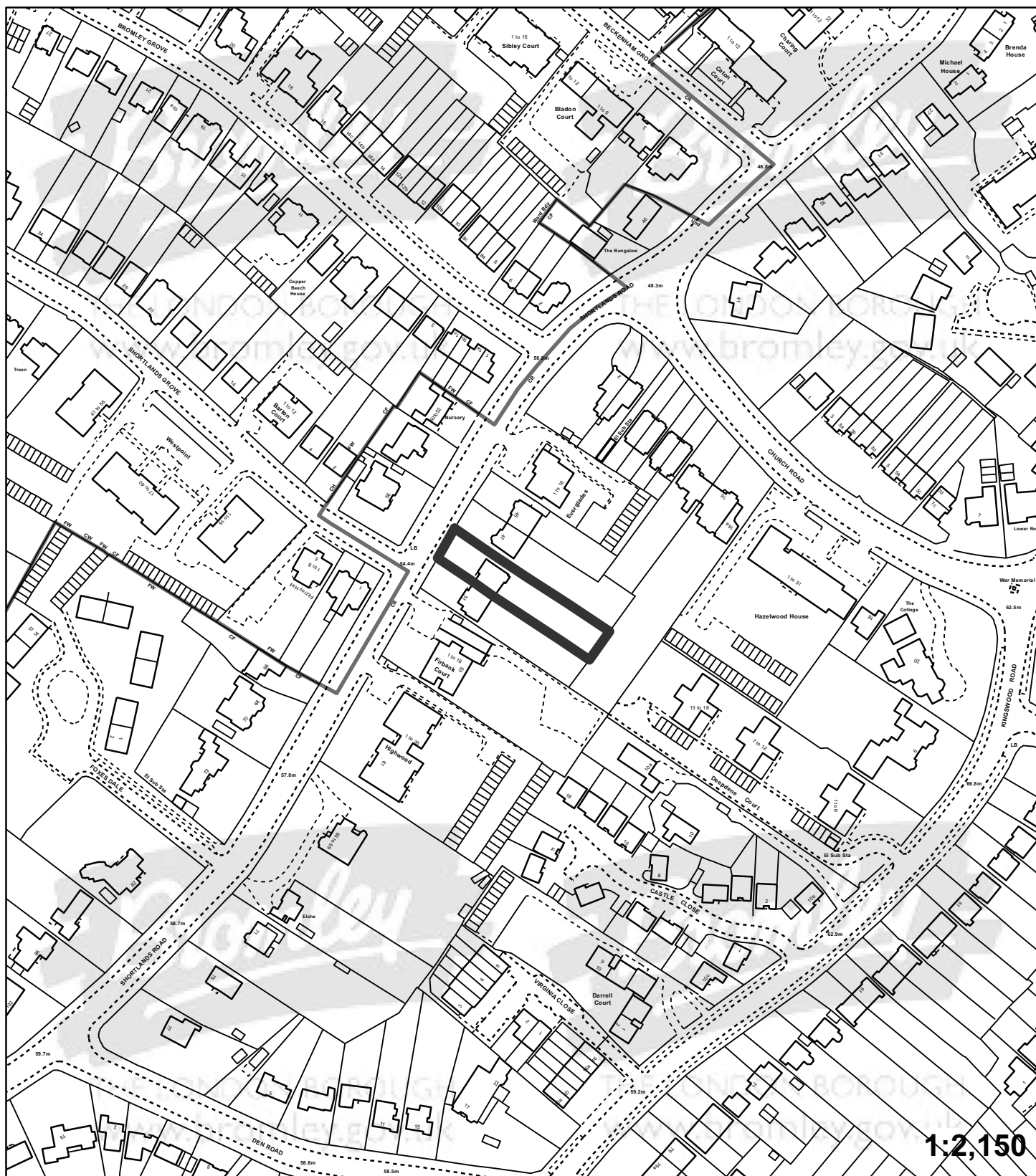
Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACC04 Matching materials
 ACC04R Reason C04
- 3 ACH03 Satisfactory parking - full application
 ACH03R Reason H03
- 4 ACH16 Hardstanding for wash-down facilities
 ACH16R Reason H16
- 5 ACH18 Refuse storage - no details submitted
 ACH18R Reason H18
- 6 ACH22 Bicycle Parking
 ACH22R Reason H22
- 7 ACH29 Construction Management Plan
 ACH29R Reason H29
- 8 ACH32 Highway Drainage
 ADH32R Reason H32
- 9 ACI13 No windows (2 inserts) flank extension
 ACI13R I13 reason (1 insert) BE1
- 10 ACI21 Secured By Design
 ACI21R I21 reason
- 11 ACK01 Compliance with submitted plan
 ACK05R K05 reason
- 12 No loose materials shall be used for the surfacing of the parking and turning
 area hereby permitted.
 ACH15R Reason H15

Application:13/01598/FULL1

Address: 49 Shortlands Road Shortlands Bromley BR2 0JJ

Proposal: Single storey side/rear extension, and conversion of lower ground floor flat to provide 1 two bedroom and 1 one bedroom flats.



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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Agenda Item 6

Report No.
DRR 13/108

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **Development Control Committee**

Date: **12th September 2013**

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

Title: **SALE OF LAND IN PLOTS OFF KEMNAL ROAD,
CHISLEHURST – PROPOSED ARTICLE 4 DIRECTION**

Contact Officer: Jim Kehoe, Chief Planner
Tel: 020 8313 4441 E-mail: jim.kehoe@bromley.gov.uk

Chief Officer: Marc Hume, Director of Regeneration & Transformation

Ward: Chislehurst

1. Reason for report

- 1.1 Land off Kemnal Road Chislehurst is being or has been offered on the internet for sale in the form of small plots. The area of land is in the Green Belt, a Conservation Area, a Site of Nature Conservation Importance and is of rural appearance. Subdivision of the land could lead to the erection of fences, sheds and accesses or the introduction of temporary uses that could be detrimental to the appearance of the Countryside and the objectives of the above policy designations.

2. **RECOMMENDATION(S)**

- 2.1 Members are asked to endorse the making of an Article 4 Direction in the terms described in the report and refer the matter to the Portfolio Holder for Renewal and Recreation to authorise the making of the Direction.

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Quality Environment
-

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: A small increase in planning applications, for which no fee is payable, is expected.
 3. Budget head/performance centre: Planning and Renewal
 4. Total current budget for this head: £2.618 m
 5. Source of funding: Existing Revenue Budget 2013/2014
-

Staff

1. Number of staff (current and additional): 64 ftes (excluding Building Control, Land Charges)
 2. If from existing staff resources, number of staff hours: 30
-

Legal

1. Legal Requirement: Non-Statutory - Government Guidance
 2. Call-in: Not Applicable: Further Details – Portfolio Decision
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): about 50 householders nearby, also the general public visiting the locality
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Ward Councillor request.
2. Summary of Ward Councillors comments: Seek an Article 4 (1) Direction.

3. COMMENTARY

- 3.1 Land is being offered for sale (outside the UK) in small plots on the internet. Estate roads are shown linking to Kemnal Road, Chislehurst. The land is in a Conservation Area and a Site of Importance for Nature Conservation and designated Green Belt where residential development is usually inappropriate development. Other policies of the Development Plan seek to protect the countryside from general residential development. The land is shown at Appendix One.
- 3.2 The subdivision of land can lead to the erection of fences, sheds and accesses that lead to the erosion of the amenity of the area, harm the appearance of the countryside and are contrary to Green Belt objectives. It can also lead to the introduction of temporary uses which cumulatively could harm visual amenity and affect the character of the area.
- 3.3 A Direction under Article 4 (1) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) would enable the removal specific forms of development.
- 3.4 The specified forms of permitted development for which it would be appropriate to require an application to avoid the effects set out in 3.2 above, in the Kemnal Road area are:
- (i) the erection or construction of gate, fence, wall or other means of enclosure (Class A of Part 2);
 - (ii) the formation, laying out and construction of a means of access... (Class B of Part 2)
 - (iii) provision of temporary buildings etc. (Class A of Part 4); and
 - (iv) the use of land for any purposes for not more than 28 days (Class B of Part 4).
- 3.5 Advice on the making of Article 4 Directions is given in a modified version of Circular 9/95 that was issued in 2012. It is open to the Council to make a non-immediate direction in this instance so as to limit the risk of compensation. The advice of Circular 9/95 is that, if 12 months prior notice of the withdrawal of permitted development rights is given, there is no ability to claim compensation.

4. POLICY IMPLICATIONS

- 4.1 The strategic objectives of the UDP, adopted in July 2006, include: *“To protect, promote, enhance and actively manage the natural environment, landscape and biodiversity of the Borough. Also: To protect the Green Belt ... from inappropriate development...”* The making of an Article 4 direction for the Kemnal Road area is consistent with those objectives.

5. FINANCIAL IMPLICATIONS

- 5.1 No planning fee is chargeable for applications generated by the Direction. However, this is not expected to generate many additional applications.
- 5.2 By issuing a 12 month non-immediate Direction under Article 4, it is unlikely that any compensation claims will be payable.

6. LEGAL IMPLICATIONS

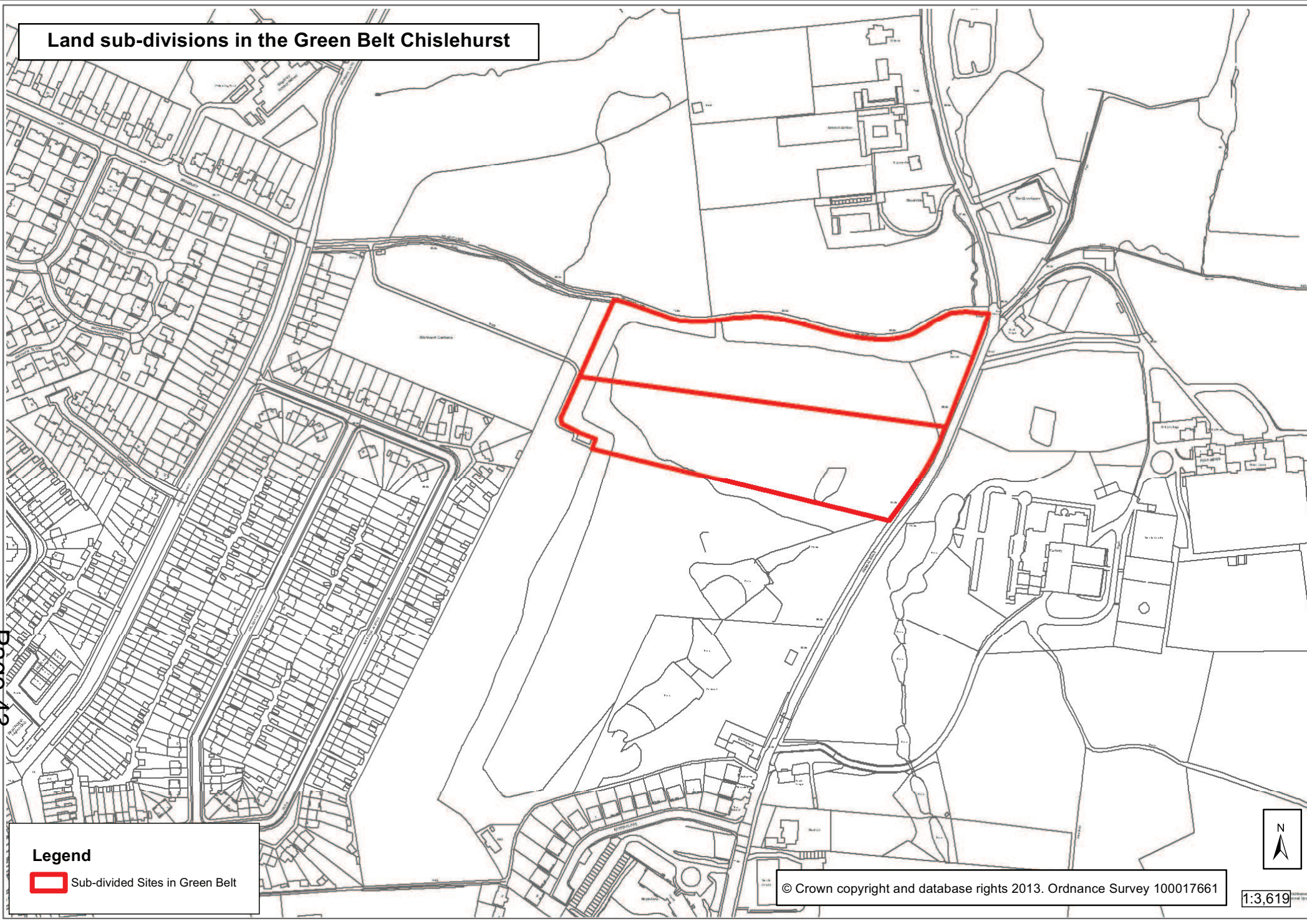
- 6.1 Article 4 (1) of the GPDO 1995 (amended) allows local Planning Authorities to withdraw certain Permitted Development Rights.

7. PERSONNEL IMPLICATIONS


None

Non-Applicable Sections:	
Background Documents: (Access via Contact Officer)	Replacement Appendix D to Department of the Environment Circular 9/95: General Development Consolidation Order 1995. DCLG June 2012

Land sub-divisions in the Green Belt Chislehurst



Legend

 Sub-divided Sites in Green Belt

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Agenda Item 7

Report No.
RES 13150

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Thursday 12 September 2013

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

Title: ITALIAN GARDENS AND GLADES TERRACE APPLICATION FOR REGISTRATION AS A TOWN OR VILLAGE GREEN.

Contact Officer: Marion Paine, Lawyer
Tel: 020 8461 7647 E-mail: Marion.Paine@bromley.gov.uk

Chief Officer: Marc Hume - Director of Renewal & Recreation

Ward: Bromley Town;

1. Reason for report

- 1.1 The Council is the Registration Authority for town and village greens within its area. Section 15 of the Commons Act 2006 provides that land can become a new green if a significant number of the inhabitants of any locality or any neighbourhood within a locality have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years. They must continue to do so at the time of the application or meet the alternative qualifying period specified in section 15. The Council on 14th February 2012 received an application to register land comprising The Italian Garden and Glades Terrace, Kentish Way, Bromley on the basis that it has become a Town Green. After completion of the statutory requirements, the Council held a non-statutory Public Inquiry on 29th – 31st May 2013 to hear the application and objections to the application. The Inquiry was held by Mr Paul Wilmshurst who is a barrister with expertise in this area. On 31st July 2013, he reported to the Council. The purpose of the report is to consider the application for registration and to decide whether or not to register land as a town green.
-

2. RECOMMENDATION(S)

1. To accept the report dated 31st July 2013 prepared by Mr Paul Wilmshurst into the application to register the land comprising The Italian Garden and Glades Terrace, Kentish Way, Bromley as a Town or Village Green, and
2. To decline to register the land in whole or in part for the reasons set out in Mr Paul Wilmshurst's report dated 31st July 2013.

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Quality Environment Vibrant, Thriving Town Centres:
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Not Applicable
 4. Total current budget for this head: Not Applicable
 5. Source of funding: Not Applicable
-

Staff

1. Number of staff (current and additional): Not Applicable
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Not Applicable: this report does not involve an Executive decision.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Not Applicable
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

3.1 The Council is the Registration Authority for Town and Village Greens within its area. Section 15 of the Commons Act 2006 provides that land can become a new green if a significant number of the inhabitants of any locality or any neighbourhood within a locality have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years. They must continue to do so at the time of the application or meet the alternative qualifying period specified in section 15. The Council on 14th February 2012 received an application to register land behind The Italian Garden and Glades Terrace, Kentish Way, Bromley as a Town Green.

3.2 The Council advertised the application in accordance with the statutory requirements and as it received objections, gave the applicants the opportunity to comment on those objections. The Council held a non-statutory Public Inquiry on 29th – 31st May 2013 to hear the application and objections to the application. The Inquiry was held by Mr Paul Wilmshurst who is a barrister with expertise in this area. On 31st July 2013, he reported to the Council.

3.3 Bundles of documents comprising the evidence presented in support of and in objection to the application, were subsequently submitted in advance of the hearing, and have been placed in the members' room. Also placed with these bundles is a copy of the report of Mr Paul Wilmshurst, which contains a detailed examination of the evidence given at the Inquiry and in the written documents.

3.4 The report of Mr Paul Wilmshurst also contains a detailed examination of the law applicable to those facts at paragraphs 173 – 216. His summary recommendation is as follows:

1. *In summary I recommend that the application in respect of the Terrace should be rejected for the following reasons:*
 - *The Terrace is not "land" for the purpose of s.15 of the Commons Act 2006*
 - *Use of the Terrace has not been as of right.*
 - *A significant number of the inhabitants of the London Borough of Bromley have not used for lawful sports and pastimes.*
 - *There has not been "20 years" qualifying use.*
2. *I also recommend that the application in respect of the Italian Gardens should be rejected for the following reasons:*
 - *There has not been "20 years" qualifying use.*
 - *Only part of the Italian Gardens has been used for recreation (the hard-standing area should be severed in any event).*

3.5 The advice from Council Officers is that the application should be refused for the reasons given by Mr Paul Wilmshurst.

4. LEGAL IMPLICATIONS

4.1 If Members accept the report the Council will decline to register the land as a Town Green for the reasons given by Mr Paul Wilmshurst. If Members do not accept the report they will need to state why and make a decision whether or not to register the land. Members would need to be satisfied that their reasons are robust as the owners of the land in that eventuality may seek a judicial review of any decision to register the land on the grounds that Mr Paul Wilmshurst gave through and proper consideration of the application and her findings are correct

Non-Applicable Sections:	Policy, financial and personnel implications
Background Documents: (Access via Contact Officer)	

Agenda Item 8

Report No
DRR 13/105

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: **Development Control Committee**

Date: **12th September 2013**

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

Title: **PLANNING SERVICE IMPROVEMENTS, AND PROGRESS
WITH ACTION TO MINIMISE PLANNING APPEAL COSTS**

Contact Officer: Jim Kehoe, Chief Planner
Tel: 020 8313 4441 E-mail: jim.kehoe@bromley.gov.uk

Chief Officer: Marc Hume, Director of Renewal & Recreation

Ward: All

1. Reason for report

- 1.1 The Development Control Committee endorsed a revised Outline Planning Improvement Plan as a framework for improvement at its 20th June 2013 meeting. It identified Customer Service and Planning Enforcement as priority areas. A report on progress is given, and an update will be presented following the Member Enforcement Working Party meeting of 4th September. An updated version of the Improvement Plan is attached at Appendix Two. Proposals to support Economic Growth are presented for Members to consider.
- 1.2 In April, the Development Control Committee agreed that action be taken to minimise future planning appeal costs awarded against the Council, including the formation of a Panel Group to assist with the preparation of an action plan. This report updates the Committee on progress and in particular seeks the Committee's endorsement of informal Guidelines for Members sitting on Planning Committees.

2. **RECOMMENDATION(S)**

- 2.1 That the Planning Service Improvements be noted and that the next priorities set out in the report, be endorsed.
- 2.2 That the attached (Appendix 3) informal Guidelines for Committee Members be endorsed by the Committee and be reviewed within 6 months time.

Corporate Policy

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

Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Planning and Renewal
 4. Total current budget for this head: £2.618m
 5. Source of funding: Existing revenue budget 2013/2014
-

Staff

1. Number of staff (current and additional): 64ftes (excluding Building Control, Land Charges)
 2. If from existing staff resources, number of staff hours: 14
-

Legal

1. Legal Requirement: Non-statutory - Government guidance.
 2. Call-in: Call-in is not applicable.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): those promoting and commenting on about 3,000 planning applications per year.
-

Ward Councillor Views

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

3. COMMENTARY

3.1 Background

The approach we are taking follows the revised Outline Improvement Plan endorsed by the Committee at its June Meeting. This enables the improvements to be introduced in a prioritised way and for the Committee to influence those priorities. This report also seeks endorsement of the action arising from the Panel Group on Planning Appeals.

3.2 Customer Service

Performance in the processing of Major applications has improved and in the financial year to date it reached 75%, the Council's aim being 60%. However, the performance for Minor applications is 50% (aim is 65%) and for other applications is 66% (aim is 80%). At the same time, the number of applications pending has kept steady at around 600-650 compared with the historic level of over 1,000. This enables case officers to focus on fewer pending applications so as to assist with improvements in the quality of processing decisions and development.

We have collected data on Customer Satisfaction and this is presented in the Table below:

July 2012 – June 2013				
Customer Satisfaction – Planning Services Survey				
How satisfied were you with the following:	Very satisfied	Fairly satisfied	Fairly dissatisfied	Very dissatisfied
The ease of making contact with the service	37%	32%	15%	16%
The helpfulness of pre-application advice	47%	28%	16%	9%
The time taken to deal with the planning application	42%	39%	10%	9%
The helpfulness of the planning officer during the progress of the planning application	59%	26%	6%	9%

This data is based on the period June 2012-June 2013 and shows that a clear majority of applicants and their agents were 'Fairly' or 'Very' satisfied with the service received. However the data shows that, based on the levels of dissatisfaction, we need to give attention to the ease of making contact with the service. The survey is on-going.

At its June meeting, the Committee was informed of actual and intended changes to the way in which telephone calls are dealt with by Planning. This did enable more calls to be answered but has taken up a longer amount of staff time than anticipated, with a detrimental effect on validation time. In the short term, we have reallocated staff duties to manage the telephone response and validation performance. After taking further advice from the Customer Services team, we are installing improved software so as to reduce the number of steps that callers take to reach an officer who is able to respond to their query and so as to improve overall efficiency.

In order to improve performance and respond to the increased workload arising from fee income exceeding expectations, as set out in section (5) below, it is proposed that additional temporary staff be employed during 2013/2014.

3.3 **Enforcement**

At its June meeting, the Committee identified some existing service issues and resolved that a Member Working Party be formulated to examine barriers and constraints in the enforcement process. The Working Party is due to meet in early September and an update will be given to the Committee.

In the meantime, some comparative information for 2012/2013 with other local authorities is presented at Appendix 1. This is based on DCLG information and shared local authority data. It shows that Bromley is the most active at pursuing formal Enforcement Action amongst the neighbouring Councils.

3.4 **Supporting Economic Growth and Other Planning Objectives:-**

Actions so far and Planned Action

Perhaps the most fundamental step that the Council as Local Planning Authority can take to support Economic Growth, in a way that is balanced with other Planning objectives, is by the preparation of the new Local Plan.

The Council's preferred options for the emerging Local Plan include three economic growth areas:- Bromley Town Centre, Biggin Hill and Cray Valley. This responds to evidence such as the DTZ study (2012), that sets out the requirement for economic development. When finalized, the Local Plan will create a clear policy lead for economic development in appropriate quantities and locations.

It is also proposed that that the Council's requirements for validation be revised and reissued by December 2013.

3.5 **Planning Appeal Costs**

At its April meeting, the Committee decided to take action to minimise cost awards against the Council at planning appeals. The Chairman of the Committee together with the Chairman of Plans Sub-Committees, with officer advice, have met as a Panel Group. The Group considered a wide range of related issues and as a result the Chairman led on the preparation of Informal Guidance on Good Practice for Committee members.

This is attached at Appendix Three and it is proposed that the Committee endorse its contents on the basis of Informal Guidance. It is expected that the Panel Group will reconvene to consider the result of the guidelines. In addition, a short briefing note will be prepared to assist Ward Councillors who wish to address the Committee or put forward local residents' views.

Meanwhile, monitoring reports on Planning Appeal Costs will be made separately in the normal way.

4. FINANCIAL IMPLICATIONS

4.1 There are no direct revenue implications arising from this report.

4.2 The budget for 2013/14 and variance to date is shown below for information: -

Type of expenditure/income	2013/14 Latest budget £'000	2013/14 Projected outturn £'000	2013/14 Variance £'000
Employees	2,668	2,668	0
Premises	10	10	0
Transport	21	21	0
Supplies & services	284	284	0
Income	(1,187)	(1,287)	(100)
Controllable budget	1,796	1,696	(100)
Net recharges	822	822	0
Total Net Budget	2,618	2,518	(100)

Non-Applicable Sections:	Policy, Personnel and Legal Implications.
Background Documents: (Access via Contact Officer)	

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Year Ending March 2013			
<u>Enforcement Action by Planning Authority</u>			
Neighbouring Boroughs	EN's issued	BCN's issued	PCN's issued
Bromley	42	10	11
Bexley	14	2	23
Croydon	2		
Greenwich	7		6
Lewisham			
Sevenoaks		5	
Tandridge	3		1

Conclusion – LB Bromley is the most active at pursuing formal Enforcement Action, amongst the neighbouring Councils.

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OUTLINE PLANNING IMPROVEMENT PLAN - PROJECT – REVISED

Appendix 2

Objectives

1. To support Economic Growth.
2. To improve Customer Service.
3. To improve efficiency, producing savings.
4. To respond to pressure to change e.g., National Planning Policy Framework and Development Plan.
5. To improve the quality of Councillor/Officer decision making and the quality of the completed development.
6. To deliver Training and Development programmes for staff and Councillors.
7. To improve Planning Enforcement and Untidy Sites Communication.

Actions – Draft

1. **Support Economic Growth and other Planning Objectives**
 - Seek a higher quality of submission and approve more applications, especially major and minor categories;
 - Speed up application processing, so projects can get the certainty they need;
 - Seek to be more flexible to changing circumstances;
 - Identify stalled sites due to site viability;
 - Bring forward Development Plan adoption to increase certainty about the Council's intentions and offer a clear policy lead that takes into account local evidence.
 - Ensure clarity of the Council's requirements for validation of applications;
 - Review Development Team approach from pre-application stage.
2. **Improve Customer Service**
 - Improve ease of website use (analysis of actual usage);
 - Increase amount of information available on the Council website to avoid other more costly methods (e.g., by phone or personal

emails) and to make it easier for consultees and the public to monitor progress with an application;

- Ensure phone call and written responses by planning are done on time;
- Reduce time taken over applications, changes to improve quality;
- Analyse Customer Surveys and act on results;
- Promote Agents and developer forum feedback;
- Review communications – internal/external, including to Ward Councillors, making it easier for Councillors to obtain information on controversial applications.
- Include a wider range of representations and objections on the website.

3. **Improve efficiency, producing savings**

- Check newspaper adverts – cost;
- Check budgets for efficiency;
- Check staff levels for efficiency;
- Ensure we are adopting Best Practice wherever appropriate e.g., GIS/Land Charges;
- Identify relevant management indicators:- e.g., former NI157, backlog of time expired applications time taken to validate;
- Enhance the efficiency driving role in service;
- Review pre-application service processes including participation of parties outside planning and Section 106 obligations.

4. **Pressure to change e.g., National Planning Policy Framework (NPPF) and Development Plan.**

- NPPF – consider position on Development Plan adoption;
- Update Local Development Scheme (adopted vs. latest estimates);
- 5 year land supply – ensure it is kept robust and up to date;
- Prepare Community Infrastructure Levy Plans;
- Establish a method for deciding on any action arising from pressure to change e.g., ministerial announcements;

5. **Improve quality of decision making and the quality of the completed development.**

- Review the lessons to be learnt from Planning Appeals;
- Review the ‘Public face’ of Plans Sub-Committees and call-in process to Committees;
- Expand the level of Royal Town Planning Institute RTPI (or equivalent) membership;
- Complete an assessment of quality of decision – making.

6. **Training and Development programmes for staff and Councillors**

- Ensure Continuing Professional Development is maintained by officers
- Consider obtaining RTPI Learning Partner status for Bromley Council;
- Short updates for staff e.g., lunchtime, by staff for staff;
- Circulation of professional updates e.g., Planning Magazine;
- Councillors – Training before participating in decisions on Applications or Policy for new Councillors as necessary;
- Tour and assessment of completed developments;
- Annual programme of Councillor updating, seminars, training on Planning.
- Consider attendance at Planning Summer School;

7. **Planning Enforcement and Untidy Sites Communication**

- Finalise and adopt an Enforcement and Compliance Strategy
- Improve the information available to Councillors on the progress with enforcement and untidy site cases, through an increase in the frequency and detail of reports to DCC and updating of Councillors interested in specific cases.
- Agree a package of performance monitoring information on enforcement/untidy site cases.
- Identify a manageable volume of priority issues where we monitor compliance e.g., types of planning conditions.
- Arrange Councillor Seminars on selected Planning Enforcement/Untidy Site topics

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Informal Guidance ⁽¹⁾ Proposed Methods of Good Practice for Members sitting on Development Control or Plan Sub-Committees

- a) Visit the site wherever possible. If unable to inspect the required area and unable to form a view prepare to recommend a site visit.
- b) Read the Report thoroughly in advance of the meeting.
- c) If a material point is to be made it should be backed with suitable references eg planning guidelines, legislation, precedent, etc.
- d) If you have formed a contrary opinion to the recommendation consult with the case officer in advance of the meeting wherever possible.
- e) Weight must be given to the views expressed by Inspectors in prior appeals as in most cases it will be perceived that precedent has been created.
- f) Motions for refusal and/or deferral must be fully substantiated and articulated when proposing the motion.
- g) Chairmen must take responsibility for ensuring all motions are fully and properly recorded to include grounds, conditions and informatives before moving on to the next item on the agenda.
- h) Ward members are fully entitled to ask for decisions which do not necessarily concur with planning policy. They have an obligation to their own residents. However, other committee members have a responsibility to ensure that good planning practice prevails and should not support a colleague in these circumstances unless the situation dictates otherwise.

⁽¹⁾ (This is based on the results of the Member Panel Group)

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Agenda Item 9

Report No.
DRR 13/103

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

Date: **Thursday 12 September 2013**

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

Title: **LOCAL DEVELOPMENT SCHEME VERSION 5 2013-2015**

Contact Officer: Mary Manuel, Head of Planning Strategy and Projects
Tel: 020 8313 4303 E-mail: mary.manuel@bromley.gov.uk

Chief Officer: Chief Planner

Ward: (All Wards);

1. Reason for report

This report puts forward an updated version of the Local Development Scheme (LDS) which is the project management document for the production of the Local Plan for the Borough. The appendix comprises a draft LDS for 2013/15. This will replace the 2010 version. The latest version reflects the move to preparing a Local Plan rather than the Local Development Framework in line with the Government's Planning Reforms and National Planning Policy Framework (2012), and the changes in resources. The current legislative requirements for the LDS are to only include the development plan documents (DPD) which are subject to independent examination which for Bromley will be the Local Plan. Supplementary Planning Documents are therefore not included in the formal LDS. It does however provide an indicative timescale for the preparation of a local Community Infrastructure Levy.

2. **RECOMMENDATION(S)**

Development Control Committee

2.1 Members are asked to recommend to the Executive the acceptability of the revised Local Development Scheme as set out in Appendix 1 as the formal management document for the production of the Bromley Local Plan.

Executive

2.2 Members are asked to agree the Local Development Scheme as set out in Appendix 1.

Corporate Policy

1. Policy Status: Not Applicable
 2. BBB Priority: Children and Young People Excellent Council Quality Environment Safer Bromley Supporting Independence Vibrant, Thriving Town Centres:
-

Financial

1. Cost of proposal: Estimated Cost Up to £92k
 2. Ongoing costs: Non-Recurring Cost
 3. Budget head/performance centre: Local Plan Implementation budget and carry forward balance held in Central Contingency
 4. Total current budget for this head: £32k and £60k
 5. Source of funding: Existing revenue budget for 2013/14 and carry forward sum held in Central Contingency
-

Staff

1. Number of staff (current and additional):
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement Non-Statutory - Government Guidance None: Further Details
 2. Call-in: Applicable Not Applicable: Further Details
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 The Council is required to publish an up to date Local Development Scheme (LDS), setting out the timescale for the preparation of local development plan documents (DPDs). There is no longer a requirement for the LDS to be submitted to Secretary of State. The last LDS was agreed by the Council in early 2010. At this time the Council's priority was the Bromley Town Centre Area Action Plan as the first part of the Local Development Framework to be followed by the Core Strategy. However, Government signalled it would be making substantial reforms. The consultation Draft National Planning Policy Framework (NPPF) was published in 2011 and the final document in 2012.
- 3.2 The NPPF made substantial changes including the introduction of 'Local Plans', and has been followed by further reforms including for example, the greater range of permitted development rights. The Government created the ability for local authorities to introduce Community Infrastructure Levy (CIL) to help deliver an up to date plan in April 2010. CIL regulations have been updated several times with the fourth amendments expected this Autumn.
- 3.3 Since the 2010 LDS the Council has adopted the Bromley Town Centre Area Action Plan and Supplementary Planning Document for 'Affordable Housing' and 'S106 Planning Obligations', undertook consultation on the Core Strategy Issues Document in 2011 and most recently the 'Options and Preferred Strategy' consultation earlier this year.
- 3.4 The Planning Strategy team was formed in 2011 and has been responsible for the Core Strategy Issues document, undertaking evidence gathering, initially for the Core Strategy/LDF but able to support the Local Plan, with limited updating to minimise duplication and is now working on all aspects of the Local Plan.
- 3.5 The new LDS, (appendix 1) reflects the recent major Government planning reforms, the move to a Local Plan, the Council's resources and lessons from other authorities and Inspectors' reports regarding timescales, and the increased burden on authorities to demonstrate plans are based on objective and up to date evidence to be found 'sound'.
- 3.6 The draft LDS also shows the timescale for the preparation of a Bromley Community Infrastructure Levy (CIL). The third set of CIL regulations increased the consultation period for each stage of the preparation of the charging schedule for CIL, and again increased the burden for evidence of viability and the proposed infrastructure to be funded based on an up to date development plan. On this basis the LDS shows the CIL running just behind the Local Plan, however this will be kept under review. A fourth set of CIL regulations are expected in the Autumn. We are also expecting the publication of the latest stage of TFL's work into the proposed DLR extension to Bromley which forms part of the Preferred Options being taken forward.
- 3.7 The Local Plan will include the vision and objectives for the Borough, planning policies and site allocations. The number of supplementary planning documents will be kept to a minimum but will include, a revised S106 document alongside the introduction of a local Community Infrastructure Levy.

4. POLICY IMPLICATIONS

- 4.1 The Local Plan when 'Adopted' together with the London Plan, will form the Development Plan for the Borough and will set out the policies against which to consider planning applications. The LDS is a procedural document regarding the preparation of the Local Plan. However, the Local Plan is one of the key strategic documents guiding the development of the Borough and helping deliver the Building a Better Bromley priorities.

5. FINANCIAL IMPLICATIONS

- 5.1 The cost of public consultation and related printing and publishing of any Local Plan document will be met from the Local Plan Implementation budget of £32k within Planning Services.
- 5.2 The cost of the examination of the plan in public and any further evidence work required during 2014 is expected to cost £60k and will be funded from the carry forward sum held in the Central Contingency. A request for approval to draw down this sum will be submitted to the Portfolio Holder for Renewal and Recreation on 18th September 2013.
- 5.3 It should be noted that the precise timing of the examination in public is determined by the Planning Inspectorate and is therefore outside of the Council's control. It is therefore very likely that part or all of the sum held in the Central Contingency may be required to be carried forward to 2014/15.

6. LEGAL IMPLICATIONS

- 6.1 The Council has a duty to publish an up to date Local Development Scheme.

Non-Applicable Sections:	PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	ReportDRR/10/00013to DCC 12/1/2010 and Executive 3/2/2010 'Local Development Scheme: Version 4 (2009)

Appendix 1

London Borough of

BROMLEY

LOCAL DEVELOPMENT SCHEME

VERSION 5

September 2013



THE LONDON BOROUGH
www.bromley.gov.uk

Introduction

APPENDIX 1

- 1.1 The Planning and Compulsory Purchase Act 2004 (The Act) requires the Council to prepare and maintain a 'local development scheme'. This document is the revised Local Development Scheme for Bromley, (also referred to as the LDS). It replaces the fourth version for Bromley published in January 2010 and has been prepared with regard to the Act and its associated Regulations which set out what is required of an LDS.
- 1.2 The LDS has three main purposes:
- Inform the public about local development plan documents for Bromley and the timescale for the preparation of these.
 - A description of which Local Plan and related documents the Council will produce or review between 2013-2015.
 - Provide a timetable for the production or review of each Development Plan Document (DPD)
- 1.3 The Council's first LDS was adopted in September 2007 and last updated in 2010. Since then there have been significant changes to the planning system, most recently introduced by the National Planning Policy Framework in March 2012. This LDS takes into account the changes in legislation and policy at a national and regional level and the resources available to the Council.
- 1.4 The planning system has changed in recent years from Unitary Development Plans to Local Development Frameworks and now under the National Planning Policy Framework to Local Plans.
- 1.5 Bromley adopted its UDP in 2006, and 'saved' many of its policies in 2009. The Council subsequently worked on its Local Development Framework, and under this system adopted the Bromley Town Centre Area Action Plan and Supplementary Planning Documents for Affordable Housing, and for Planning Obligations. The Council is now preparing Bromley's borough-wide 'Local Plan'.
- 1.6 There are six different types of planning document that could potentially be prepared. Their content varies from policies for the use of land, policies for involving the public in planning, guidance and information and procedural documents.
- Development Plan Documents (DPDs)
 - Neighbourhood Plans
 - Supplementary Planning Documents (SPDs)
 - Community Infrastructure Levy (CIL) Charging Schedule
 - Statement of Community Involvement (SCI)
 - Authority Monitoring Report (AMR)

Development Plan Documents (DPDs) form the Local Plan for the Borough.

- 1.7 The Bromley Local Plan will be the borough-wide DPD which sets out the overarching strategy for the future development of the Borough to 2030 and detailed policies to manage new developments and incorporates strategic site allocations supporting its delivery. The Bromley Town Centre Area Action Plan is an existing Adopted DPD covering a specific part of the Borough, and will be incorporated within the 'Local Plan' once adopted.
- 1.8 The statutory **Development Plan** for Bromley currently comprises the London Plan (2011), the 'saved' policies of the 2006 UDP, and the Bromley Town Centre Area Action Plan.
- 1.9 Local Development Documents must be in 'general conformity' with the London Plan, (the Mayor's Spatial Development Strategy).

Neighbourhood Plans

- 1.10 The Localism Act 2011 makes provision for Neighbourhood Plans, a new type of planning document to be prepared. Neighbourhood Plans are community-led documents which would be initiated through a Neighbourhood Forum and ultimately adopted by the Council as part of its development plan.
Neighbourhood Plans have to be in 'general conformity' with strategic policies in the Local Plan for an area, and are subject to independent examination and a referendum.
- 1.11 There are currently no Neighbourhood Forums within the Borough and no proposals for Neighbourhood Plans.

Supplementary Planning Documents

- 1.12 Supplementary Planning Documents are used to amplify planning policy within development plan documents. There is no legal requirement for these to be included within the LDS, and this enables local planning authorities to respond as circumstances change. They do not form part of the 'Development Plan' for the Borough. However, they are considered material considerations and provide additional detail to existing policy in the development plan or national policy. Where it is known they are likely to be prepared within the LDS timescale reference is made to them, but there is scope for additional SPDs to be prepared and information will always be published on the Council's website.
- 1.13 DPDs and SPDs are subject to public consultation. In addition, DPDs are subject to Sustainability Appraisals in their preparation to assess the economic, social and environmental effects of the plans. DPDs are submitted to the Secretary of State and an Examination in Public by a Planning Inspector.

- 1.14 The Town and Country Planning (Local Planning) England 2012 Regulations sets out the revised procedure for the preparation and review of Local Plans.

Community Infrastructure Levy (CIL) Charging Schedule

- 1.15 The Community Infrastructure Levy is a charge that local planning authorities may choose to levy on new development to fund infrastructure required to support growth and the delivery of the Development Plan for the area. To date, LB Bromley has used S106 agreements negotiated with developers to secure funding where needed as appropriate. However, the scope of S106 agreements will become more limited from April 2014, although this date may be extended following Government consultation.

Bromley's Current Position

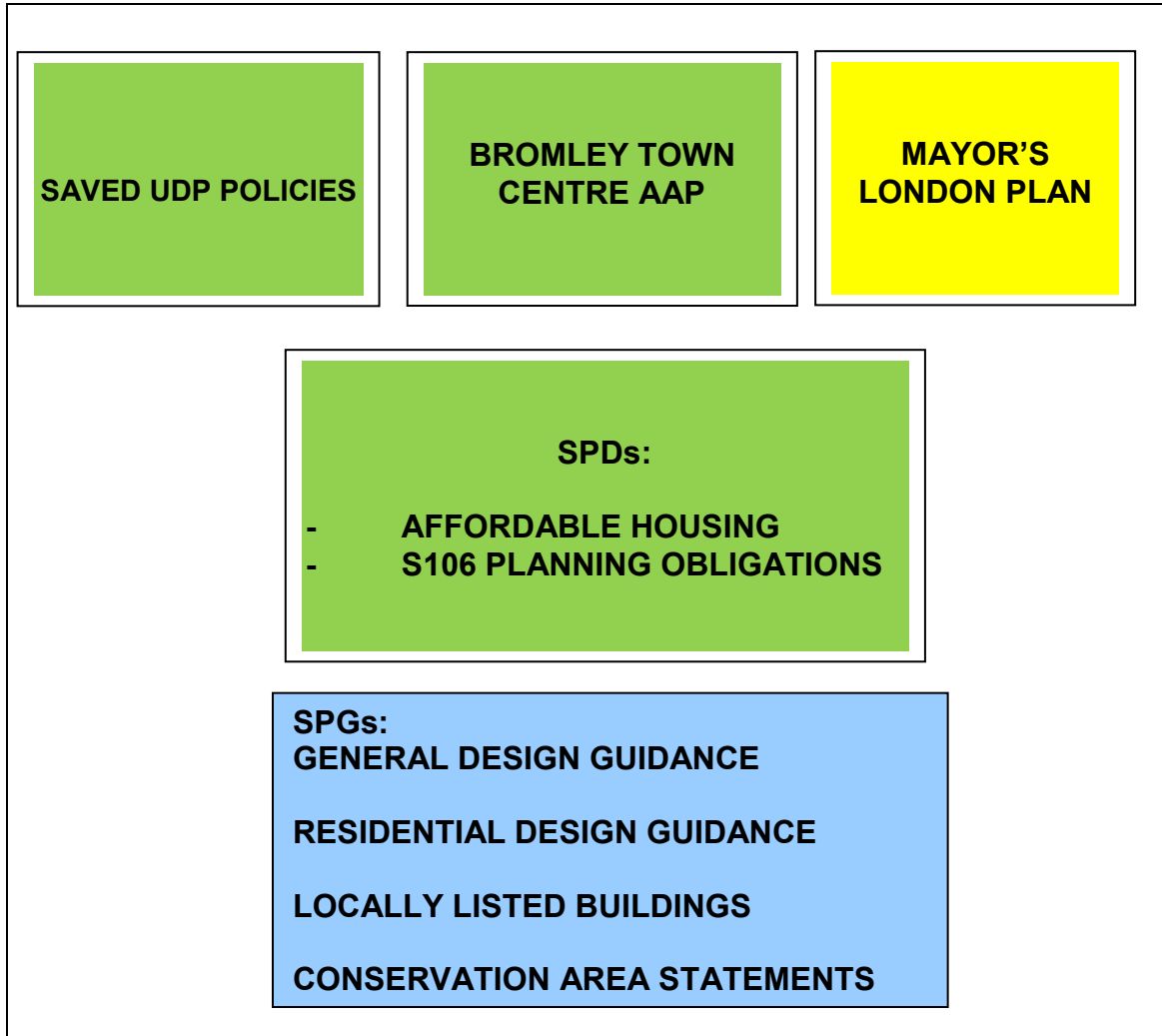
- 2.1 The 2010 LDS set out a timescale for the production of Bromley's Local Development Framework. The Council adopted several documents within the LDF and was working on other documents, most notably the Core Strategy when the Government introduced the new planning regime of Local Plans. The Council decided to move to preparing a Local Plan in line with the NPPF and current legislation building on the preparatory work already undertaken and consulted on.
- 2.2 The current Development Plan for the Borough comprises:
- 'saved' policies from the 2006 UDP
 - Bromley Town Centre Area Action Plan (2010)
 - Affordable Housing SPD (2010)
 - Planning Obligations SPD (2010)
 - Supplementary Planning Guidance linked to the saved UDP policies
 - The London Plan (2011)
- 2.3 Diagram 1 illustrates this position.
- 2.4 During the Local Plan preparation the development plan for Bromley comprises the London Plan (2011), the 'saved' policies from the 2006 Unitary Development Plan.

Saved Policies

- 2.5 The Unitary Development Plan (UDP) 2006 was saved for three years after adoption by virtue of the Planning and Compulsory Purchase Act 2004. The Council sought agreement of the Secretary of State to retain specific policies beyond this period.
- 2.6 The Secretary of State for Communities and Local Government issued a Direction to Bromley that specifies which policies in the UDP can continue to be saved as part of the Development Plan.

Diagram 1

BROMLEY'S DEVELOPMENT PLAN (CURRENT)



STATEMENT OF COMMUNITY INVOLVEMENT

AUTHORITY MONITORING REPORT
LOCAL DEVELOPMENT SCHEME

Supplementary Planning Documents

The Council has two adopted Supplementary Planning Documents: 'Affordable Housing', and S106 Obligations'.

Supplementary Planning Guidance

The Council's existing supplementary planning guidance (SPG) can only remain in force while the relevant UDP policies are operational. All are currently linked to 'saved' policies and have been retained as a material consideration in the determination of planning applications. Table 2 shows the current SPG linkages to 'saved' policies.

Table 1 - Supplementary Planning Guidance

Supplementary Planning Guidance/ Information Leaflets (IL)	Links to saved Unitary Development Plan Policies
General Development Principles	BE1/BE3
Residential Design Extending your homes (IL)	H7/ H8/ H9/ H11
Conservation Area Character appraisals and Guidance	BE9
Shop fronts and security Shutters (IL)	S1/S2/S4/S5/BE9
Archaeology (Fact Sheet)	BE16
Advertisements	BE21

Preparation of the Local Plan

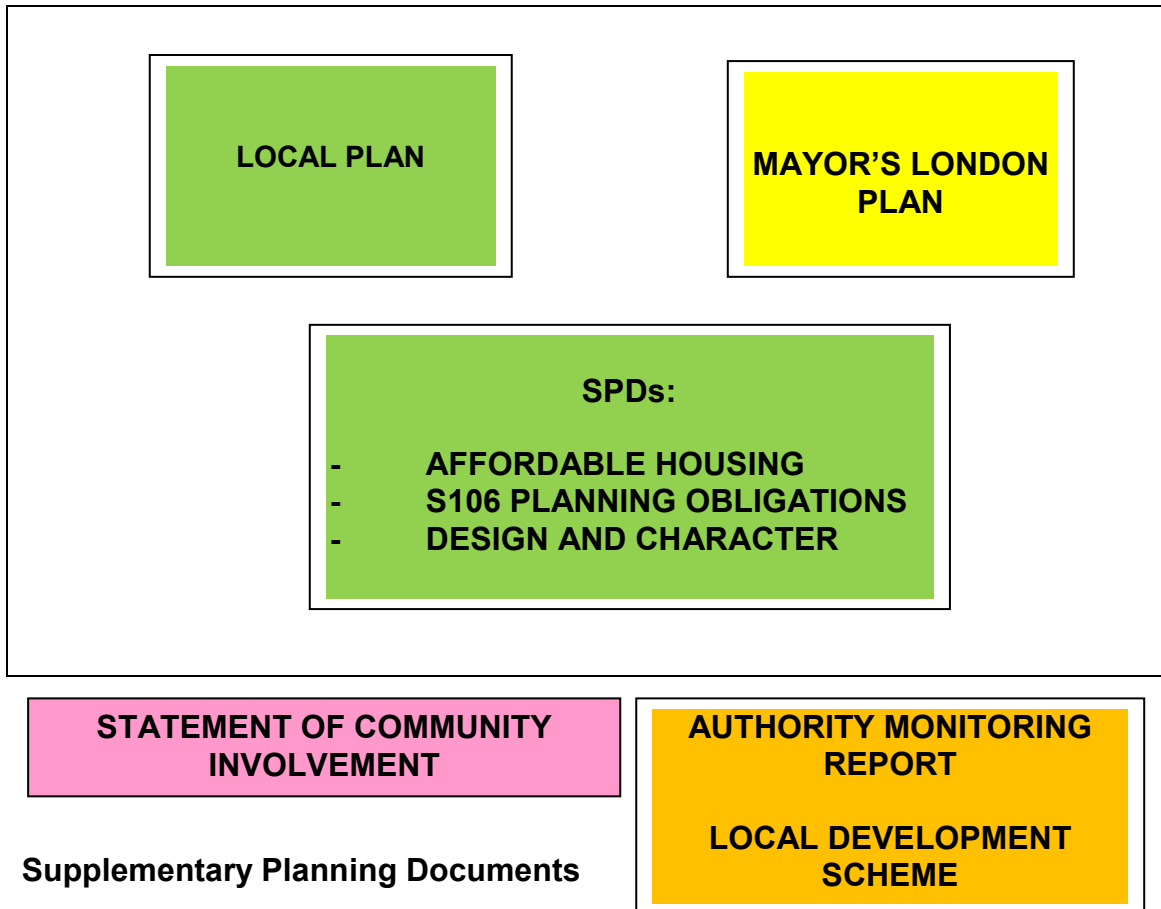
- 3.1 The Council signalled it would move to a Local Plan with the National Planning Policy Framework (2012) and incorporate the work undertaken so far to progress the Local Development Framework. This includes the evidence base which continues to be updated as appropriate, and the Core Strategy Issues Document consultation from 2011.
- 3.2 The Local Plan when adopted together with the London Plan will form the Development Plan for the Borough.
- 3.3 There is a period of transition between the old and new systems. The old system is represent by the 'saved policies of the 2006 adopted Bromley Unitary Development Plan (UDP) and currently these together with the Bromley Town Centre Area Action Plan form the Development Plan for the Borough together with the London Plan. Appendix 1 sets out the 'saved' UDP policies. The new system will comprise the Bromley Local Plan

Development Plan Documents

- 3.4 Bromley Borough Local Plan – this will set out the spatial vision and strategic objectives, policies for managing development in the Borough, identify the main sites where development or change is anticipated and the proposals map identifying areas designated for protection or where areas where specific policies will apply. It will incorporate the Bromley Town Centre Area Action Plan with any amendments that are made during the Local Plan process.
- 3.5 In addition there will be a Community Infrastructure Levy (CIL) Charging Schedule
- 3.6 The timetable for the production of these two documents is detailed in Tables 2 and 3 shown in summary on Annex 1. Diagram 2 shows the other documents involved as well.

Diagram 2

BROMLEY'S DEVELOPMENT PLAN (PLANNED)



3.7 The LDS is only required to set out the timetable for Development Plan Documents which have to be subject to an Examination in Public. However, the Council considers it useful to indicate the Supplementary Planning Documents which are anticipated to be prepared.

Planning Obligations – The existing SPD will be reviewed in line with the Borough Local Plan and the introduction of the Borough's Community Infrastructure Levy (CIL)

Affordable Housing – It is anticipated that the existing SPD will be reviewed and updated in light of the Borough Local Plan following its adoption.

Character and Design – This would be a new SPD covering in the main the topics covered by the current SPGs regarding General Design and Residential Design and follow on from the Local Plan.

Other Documents

3.8 Local Development Scheme This document will be kept under review and progress monitored as part of the Authorities Monitoring Report.

Statement of Community Involvement Bromley's Statement of Community Involvement was Adopted in 2006

Neighbourhood Plans There are no current proposals for Neighbourhood Plans within the borough.

Authorities' Monitoring Report An annual AMR is reported to Development Control Committee and in addition monitoring information is made available on the Council's website and updated throughout the year.

Local Development Document Profiles

- 3.9 The following tables outline in detail each document proposed to form part of the Bromley Local Plan.

Table 2 - Borough-wide Local Plan

TITLE	Borough-Wide Local Plan	
Development Plan Document	YES	
ROLE & CONTENT	To set out the key elements of the planning framework for Bromley, including the long-term spatial vision and strategic objectives for the Borough. It will reflect the spatial aspirations of the Community Strategy and contain a number of core policies and a monitoring and implementation framework. It will also address outstanding matters from the UDP Review on housing and gypsy site provision and waste policies	
GEOGRAPHICAL COVERAGE	Borough-wide	
Responsibility for Production	Lead	Planning Strategy Team
	Resources	Planning Strategy Team with input from other services as required
	Stakeholder & Community Involvement	Consultation and engagement in line with the SCI
TIMETABLE & KEY MILESTONES	<ul style="list-style-type: none"> § Prepare draft policies and site allocations for informal consultation, § Review and update evidence base as appropriate § 6 week consultation § Review consultation response, and revise and refine policies and allocations in advance of draft plan § Prepare draft plan § Publish draft plan for inspection and invite representations 6 weeks § Submit plan and submission documents to the Secretary of State § Independent Examination § Publication of Examiner's recommendations § Adopt Plan 	<p>Autumn 2013</p> <p>on going</p> <p>Jan/Feb 2014 March/April</p> <p>April- July August/September</p> <p>November 2014</p> <p>January 2015 March 2015</p> <p>April 2015</p>
REVIEW	The document will be monitored on an annual basis and will then be the subject of review if the monitoring highlights such a need.	

Table 3 - Community Infrastructure Levy Charge Schedule

TITLE	Community Infrastructure Levy Charging Schedule	
Development Plan Document	NO	
ROLE & CONTENT	The document will set out the charges to be levied on new development within the Borough.	
GEOGRAPHICAL COVERAGE	Borough-wide	
UDP REPLACEMENT	N/A	
Responsibility for Production	Lead	Planning Strategy Team
	Resources	Planning Strategy Team with input from other services as required
	Stakeholder & Community Involvement	Consultation and engagement as required by the CIL Regulations 2012 and in line with the SCI
TIMETABLE & KEY MILESTONES	<ul style="list-style-type: none"> § Prepare preliminary draft, consult and consider representations § Publish draft schedule and consults § Submit for examination § Examination § Publication of Examiner's recommendations § Modify and Adopt Charging Schedule 	<p>Spring/Summer 2014</p> <p>October/Nov 2014</p> <p>Jan 2015</p> <p>March 2015</p> <p>May 2015</p> <p>April 2015</p>
REVIEW	The document will be monitored on an annual basis and will then be the subject of review if the monitoring highlights such a need.	

Risk Assessment

4.1 The Council is required in the LDS to set out a clear timetable for the delivery of the local development documents. Therefore it is important to identify the risks that could affect the work programme shown and to consider how these can be minimised and mitigated. The main issue is the impact the risks could have on the programme, although it is important that the plan progresses in compliance with legislation and regulations and is found 'sound' at its Examination to ensure a robust up to date Local Plan at the end of the process.

Table 4 - Risk Assessment

Risk Identified	Likelihood/Impact	Management Action
New policy guidance being published part way through the plan preparation	medium/high The Coalition Government started an extensive reform of the planning system and this is continuing with consultation on permitted development rights, new CIL regulations expected in the Autumn and updating of the planning guidance to support the NPPF.	<ul style="list-style-type: none"> • High level policy change is monitored • Plan has to be progressed on the best information available at the time • Seek advice from the GLA, DCLG and Planning Inspectorate as appropriate
Loss of staff/reduction in staff resources/competing work priorities	medium/medium The Council is going through a period of transformation. Loss of experienced staff will impact on the production of local development document and ability to keep to the timescale	<ul style="list-style-type: none"> • Staff input from other departments secured at Chief Officer level • Recognition of the importance of the Local Plan and its priority over other work. • Focus resources on the Local Plan and minimise non statutory work • Use work experience, other planning colleagues to contribute • Use consultants for specialist work subject to available funding • If necessary and other alternatives exhausted timetable will need to be reviewed.
Need to meet Duty to Co-operate and undertake joint working with other authorities/partners	medium/medium Other authorities and partners have their own priorities and timetables for development plans which will differ. Inspectors'	<ul style="list-style-type: none"> • Regular Duty to Co-operate meetings with sub-region • Liaison with other authorities and bodies through partnership groups e.g. Borough Officers

	Reports have highlighted the importance and the extent to which co-operation is expected under this Duty.	Group, Partnership Officer Group, South London Partnership, London Councils as well as co-operating with individual authorities/partners
Insufficient budget for preparation of plans or evidence base work and consultation	low/high sufficient financial resources are required to prepare local development documents including for consultancy, consultation and the examination process	<ul style="list-style-type: none"> • Budget required for known studies and consultation already built in to Council budget, however, Examination Costs can only be estimated at this time. • CIL costs can be set against future CIL income • Ways to add value to work, e.g through joint commissioning as with South East London Housing Partnership • Ensure future likely examination and associated costs are considered within the Council budgeting process and set aside as far as possible.
Capacity of the Planning Inspectorate and other agencies to support the process	Low/high Decisions taken nationally to change the resources of statutory agencies and their capacity to deal with consultations or the programme Examination process could cause delays	<ul style="list-style-type: none"> • Liaise with Planning Inspectorate in revising the LDS and keep PINS up to date if the timetable changes. • Maintain contact with key agencies to minimise prospect of slippage
Consultation fatigue amongst the public	Medium/high Other parts of the Council and other partner agencies undertake consultation and communities can get 'fatigued' of being consulted.	<ul style="list-style-type: none"> • Evidence to suggest good level of involvement, especially for future stages involving site allocations and planning policies • Keep the public informed of the process and feedback on consultation • Link with other Council and partner consultation where possible
Delay due to scale of public response	Medium/high Public Interest particularly in site allocations and detailed policies can be high.	<ul style="list-style-type: none"> • Continue to encourage the public to respond on line to enable easier and effective analysis of responses.

Local Plan Evidence Base

- 5.1 Local Development Documents are required to be underpinned by up to date evidence. The Council has undertaken, and where necessary commissioned research to support the preparation of the plan and this is available via the 'bromley.gov.uk' website. However, the Council has an obligation to keep its' evidence up to date and to undertake new studies as necessary and review existing evidence in a timely manner.
- 5.2 Further work being undertaken/required including that agreed by the Development Control meeting in Summer 2013 includes:

Table 5 - Further Evidence Work

Evidence Area	Current Position	Resources	Timescale
Update to Strategic Flood Risk Assessment	Last Study 2008	£20k allocated from Lead Flood Risk Authority funding and staff resources within Planning Strategy	Tender Work 2- 3 months Complete
Housing Need/Strategic Housing Market Assessment	Current Sub-regional Study	Sub-regional Partners to agree	Discussions with sub-region regarding timescale and format of new SHMA Interim assessment of Census Data Autumn 2013 New SHMA start Jan 2014 (TBC)
A Review of Green Belt and other open space designations.	Report to DCC Summer 2012. Open Space Audit review	Staff resources	Autumn 13
Further analysis to support the protection of the character of the Borough's places.	21 Places profiled in Core Strategy Issus Document.	Staff resources	Autumn 13
Identifying the potential of the Renewal Areas to contribute to the overall vision	Contributions from departments and agencies being collated	Staff resources	Autumn 13

<p>Review of Housing Supply</p>	<p>SHLAA 2009, GLA undertaking new SHLAA for 15/16 onwards. Work to identify capacity in BTC, permitted development implications, implications of potential transport improvements, release of public sector land as part of efficiencies. Review other existing designations as necessary.</p>	<p>Staff resources</p>	<p>Ongoing</p>
<p>Waste Technical Paper</p>	<p>Update to demonstrate how requirements can be met</p>	<p>Staff resources</p>	
<p>Assessment of Growth areas a) Bromley Town Centre b) Cray Business Corridor c) Biggin Hill SOLDC</p>			
<p>Site Allocations</p>	<p>Education undertaking primary and secondary school forecasting to identify provision required, review of key sites, i.e. former Site A, Bromley North</p>		

Annex 1 Diagram showing Timetable for the preparation of the Local Plan and Community Infrastructure Charging Schedule

Purpose	2013					2014											2015							
	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	
The plan for the future development of Bromley including spatial , strategic and detailed development policies and site allocations						Consultation							Formal Pre-submission Consultation				S		E		IR	A		
To set out the Council's proposed CIL charges											Preliminary Draft Charging Schedule consultation				Draft Charging Schedule Consultation			S		E			IR	A

(Note: 'S' refers to submission for Examination, 'E' refers to Examination in Public, 'IR' refers to receipt of Inspector's report, 'A' refers to Adoption by the Council).

Appendix 2

'Saved' policies from the 2006 UDP

Housing policies

- H1 Housing Supply
- H2 Affordable Housing
- H3 Affordable Housing – payment in lieu
- H4 Supported Housing
- H6 Gypsies and Travelling Show People
- H7 Housing Density and Design
- H8 Residential Extensions
- H9 Side Space
- H10 Areas of Special Residential Character
- H11 Residential Conversions
- H12 Conversion of Non-Residential Buildings to Residential Use
- H13 Parking of Commercial Vehicles

Transport policies

- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T4 Park and Ride
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T8 Other Road Users
- T9 Public Transport
- T10 Public Transport
- T11 New Accesses
- T12 Residential Roads
- T13 Unmade Roads
- T14 Unadopted Highways
- T15 Traffic Management
- T16 Traffic Management and Sensitive Environments
- T17 Servicing of Premises
- T18 Road Safety

Conservation and the Built Environment

- BE1 Design of New Development
- BE2 Mixed Use Development
- BE3 Buildings in Rural Areas
- BE4 Public Realm
- BE5 Public Art
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- BE8 Statutory Listed Buildings
- BE9 Demolition of a listed building
- BE10 Locally Listed Buildings
- BE11 Conservation Areas
- BE12 Demolition in conservation areas
- BE13 Development adjacent to a conservation area
- BE14 Trees in Conservation Areas
- BE15 Historic Parks and Gardens
- BE16 Ancient Monuments and Archaeology
- BE17 High Buildings
- BE18 The Skyline
- BE19 Shopfronts
- BE20 Security Shutters

BE21 Control of Advertisements, Hoardings and Signs
BE22 Telecommunications Apparatus
BE23 Satellite Dishes

The Natural Environment

NE1 Development and SSSIs
NE2 Development and Nature Conservation Sites
NE3 Nature Conservation and Development
NE4 Additional Nature Conservation Sites
NE5 Protected Species
NE6 World Heritage Site
NE7 Development and Trees
NE8 Conservation and Management of Trees and Woodlands
NE9 Hedgerows and Development
NE11 Kent North Downs Area of Outstanding Natural Beauty
NE12 Landscape Quality and Character

Green Belt and Open Space

G1 The Green Belt
G2 Metropolitan Open Land
G3 National Sports Centre Major Developed Site
G4 Extensions/Alterations to Dwellings in the Green Belt or on Metropolitan Open Land
G5 Replacement Dwellings in the Green Belt or on Metropolitan Open Land
G6 Land Adjoining Green Belt or Metropolitan Open Land
G7 South East London Green Chain
G8 Urban Open Space
G9 Future Re-Use of Agricultural Land
G10 Development Related to Farm Diversification
G11 Agricultural Dwellings
G12 Temporary Agricultural Dwellings
G13 Removal of Occupancy Conditions
G14 Minerals Workings
G15 Mineral Workings – Associated Development

Recreation, Leisure and Tourism

L1 Outdoor Recreation and Leisure
L2 Public Rights of Way and Other Recreational Routes
L3 Horses, Stabling and Riding Facilities
L4 Horses, Stabling and Riding Facilities – joint applications
L5 War Games and Similar Uses
L6 Playing Fields
L7 Leisure Gardens and Allotments
L8 Playing Open
L9 Indoor Recreation and Leisure
L10 Tourist-Related Development – New Development
L11 Tourist-Related Development – Changes of Use

Business and Regeneration

EMP1 Large Scale Office Development
EMP2 Office Development
EMP3 Conversion or redevelopment of Offices
EMP4 Business Areas
EMP5 Development Outside Business Areas
EMP6 Development Outside Business Areas – non conforming uses
EMP7 Business Support
EMP8 Use of Dwellings for Business Purposes
EMP9 Vacant Commercial Sites and Premises

Town Centres and Shopping

- S1 Primary Frontages
- S2 Secondary Frontages
- S3 The Glades
- S4 Local Centres
- S5 Local Neighbourhood Centres, Parades and Individual Shops
- S6 Retail and Leisure Development – existing centres
- S7 Retail and Leisure Development – outside existing centres
- S8 Petrol Filling Stations
- S9 Food and Drink Premises
- S10 Non-Retail Uses in Shopping Areas
- S11 Residential Accommodation
- S12 Markets
- S13 Mini Cab and Taxi Offices

Biggin Hill

- BH1 Local Environment
- BH2 New Development
- BH3 South Camp
- BH4 Passenger Terminal/Control Tower/West Camp (Area 1)
- BH5 Former RAF Married Quarters (Area 2)
- BH6 East Camp
- BH7 Safety
- BH8 Noise Sensitive Development

Community Services

- C1 Community Facilities
- C2 Communities Facilities and Development
- C4 Health facilities
- C5 Facilities for Vulnerable Groups
- C6 Residential Proposals for People with Particular Accommodation
- C7 Educational and Pre-School Facilities
- C8 Dual Community Use of Educational Facilities

Environmental Resources

- ER2 Waste Management Facilities
- ER9 Ventilation
- ER10 Light Pollution
- ER11 Hazardous Substances
- ER16 The Water Environment
- ER17 Development and the Water Environment

Implementation

- IMP1 Planning Obligations