



THE LONDON BOROUGH
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DATE: 1 April 2014

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 10 APRIL 2014 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 7 JANUARY 2014 (Pages 1-12)**

4 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

In accordance with the Council's Constitution, questions to this Committee must be received in writing 4 working days before the date of the meeting. Therefore please ensure questions are received by the Democratic Services Team by 5pm on Friday 4 April 2014.

5 PLANNING REPORTS

ITEM NO.	APPLICATION NUMBER AND ADDRESS OF DEVELOPMENT	PAGE NO.	WARD
5a	(14/00452/FULL1) - The Haven, Springfield Road, Sydenham, London SE26	13 - 28	Crystal Palace
5b	(13/04054/FULL1) - Hayes Court, West Common Road, Hayes, Bromley	29 - 46	Hayes and Coney Hall
5c	(13/04055/LBC) - Hayes Court, West Common Road, Hayes, Bromley	47 - 50	Hayes and Coney Hall

6 SHOP FRONT GUIDANCE (Pages 51 - 76)

7 AUTHORITY MONITORING REPORT 2012/13 (Pages 77 - 112)

8 REPORTS TO NOTE

8a COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATION 2014; UPDATE AND IMPACTS (Pages 113 - 118)

8b PLANNING APPEALS MONITORING REPORT (APRIL 2013 TO MARCH 2014) (Pages 119 - 124)

8c PLANNING APPEALS - COSTS 2013/2014 (Pages 125 - 132)

8d ENFORCEMENT MONITORING REPORT (JANUARY TO DECEMBER 2013) (Pages 133 - 138)

8e DELEGATED ENFORCEMENT ACTION (JANUARY TO MARCH 2014) (Pages 139 - 142)

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 7 January 2014

Present:

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

Also Present:

Councillors Michael Tickner

34 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Katy Boughey and Eric Bosshard.

35 DECLARATIONS OF INTEREST

No declarations of interest were received.

36 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 21 NOVEMBER 2013

RESOLVED that the Minutes of the meeting held on 21 November 2013 be confirmed and signed as a correct record.

37 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Although no questions were received by members of the public, Committee Member Councillor Papworth asked the following:-

'Why did the Chairman decline my request for an emergency item for tonight's agenda to discuss the illegal religious service that took place at 25 Church Road on New Year's Eve?'

The Chairman responded as follows:-

'Officers from planning and licensing attended the event on 31 December 2013.'

We will need their considered report and legal advice before receiving a recommendation on action going forward. This development does raise some important issues and whatever the outcome, we need to be properly advised. On past trends, the next event will be some weeks/months away so I would suggest that officers promptly prepare a report for a Plans Sub-Committee in the near future e.g. 6 February.'

Following this, Councillor Papworth asked the Chairman to indicate what action he thought would be appropriate to take in the event that activities were deemed to fall outside legal planning permission. The Chairman said he did not wish to speculate until the report was forthcoming.

Councillor Jackson reported that an item in regard to a change of use at the premises had previously been considered at the Plans 2 Sub-Committee meeting held on 17 October 2013. At that time, Members resolved that it was not expedient to take enforcement action however, the premises should continue to be monitored. Councillor Jackson considered enforcement action should now be taken if unlawful use was established.

38 PLANNING REPORTS

Members considered the following planning application report:-

Item No.	Ward	Description of Application
38a (page 11)	Copers Cope	(12/03084/TPO) – Fell one oak tree (T.1) in front garden SUBJECT TO TPO 2459 at 10 Crab Hill, Beckenham, BR3 5HE.

Oral representations were received from Mr Clive Lees of the Ravensbourne Valley Preservation Society. Speaking on behalf of the owner of 10 Crab Hill, Mr Lees submitted the following points in objection to the felling of the tree:-

This application had been deferred on two occasions. In June 2012, Members deferred in order to explore the possibility of a root barrier. The Quaife report confirmed that a root barrier would be effective, a letter from Crawfords confirmed they were happy to proceed with one and MWA (the applicant), visited the site and confirmed that a root barrier could be installed. This would be an effective solution and the loss adjusters and MWA were happy to proceed with it. Therefore, Mr Lees could see no reason why the TPO should be lifted.

At the second Sub-Committee meeting in September 2012, Members noted that experts considered the measurement of the movement of the property to be technically incorrect and that the proper solution would be underpinning. The Committee deferred making a decision in order that an independent report could be commissioned to review how the movement of the property

had been measured. It was, therefore, very disappointing to note that the Quaife report made no reference to the very issue that Members wished it to.

The fundamental evidence had not changed. There had been three separate investigations of the roots found in the boreholes ('BH'). In the first, dated January 2012 by Richardson's, all the roots recovered from both boreholes were either unidentifiable or dead. In the second, again by Richardson's, dated July 2012, no confirmed oak roots were found in BH1 and all the roots that were found were dead anyway. DNA analysis confirmed that the roots in BH1 were not related to T1. BH1 was located next to the bay window. If all the roots were dead in this vicinity and not shown to be related to T1, then what was causing the subsidence within the vicinity? Additionally, what was causing the subsidence at the rear of the property, much further away from the tree?

During the same investigation, (July 2012), two oak roots were found in BH2 (next to the garage) but could only be described as 'alive recently'. Only one root from BH2 was confirmed by DNA as belonging to T1. All of the above amounted to very slim evidence. Quaife made no acknowledgement of the impact of very dry weather (confirmed by the Met Office) or that every older property in the immediate area had required underpinning. Notwithstanding the evidence (or lack of it), as mentioned earlier, the loss adjuster and MWA had indicated that they were willing to proceed with a root barrier.

Mr Lees requested that the application to fell the tree be refused.

Oral representations from visiting Ward Member Councillor Tickner were received at the meeting. He indicated that this item raised a point of principle for the Development Control Committee because the outcome could shape the way in which future matters involving TPOs were determined. The Council had a duty under the Town and Country Planning Act to protect as many trees as possible - currently there were over 2,000 TPOs in place across the Borough.

The tree in question had been in situ since the 1920s and the surrounding houses were built in the 1930s. Most of the houses in the vicinity had since been underpinned including the property at No.10 following which, there had been no further problems relating to subsidence. As underpinning appeared to be an appropriate solution, Councillor Tickner urged Members to refuse the application.

Ward Member Councillor Mellor stated that this was a contentious issue within his Ward. The tree in question had been established prior to the construction of the property at No.8 which was built on a clay sub-soil and the foundations of the property were too shallow for the size of the house. The damage to No.8 had been assessed as 'not severe'. Other properties, including No.10, had been underpinned however, the insurers sought to blame No.10 for the damage caused to No.8. The evidence produced was not conclusive as other unidentifiable roots had been found. T1 may not therefore be the primary

cause of the damage and it was interesting to note that the applicant also agreed that a root barrier would solve the issue. Councillor Mellor alluded to the statement made in paragraph 2 on page 13 of the report which stated that underpinning was often a remedy for subsidence in the past but in more recent years insurers had sought tree removal, together with cheaper repairs. Councillor Mellor moved that the application be refused.

Councillor Michael agreed that the problem appeared to stem from the lack of sufficiently robust foundations at No.8 although roots may have been a contributory cause which could be solved by underpinning. This was a very attractive tree which added to the amenity and character of the area. Members should not be intimidated by the threat of compensation costs and should strive to protect trees whenever possible. Councillor Michael was concerned that a precedent would be set if the application was permitted. For the reasons outlined above, Councillor Michael seconded the motion for refusal.

Councillor Joel supported refusal and gave an historic summary of building regulations around the time the properties were constructed. This was prior to the introduction of the 1965 Building Regulations and would have been governed by Bromley By-Laws which differed significantly to those currently in existence.

The Principal Tree Officer informed Members there were no guidelines for determining by levels of percentage, whether trees were a cause of damage and not the cause; there was no requirement for it to be demonstrated beyond reasonable doubt. Trees in question need only prove to be a contributory factor not the main factor. She stipulated that previous court cases had always gone against Councils and in the last year, the Authority had paid compensation in excess of £25k each in two separate cases. Compensation was paid for any loss and damage caused by the Council's decision.

A survey on drains had been undertaken in 2011 which showed there were no defects or leaks. Underpinning would be the ideal solution to the problem and costs for the work would fall to the Council. Members were advised that the Council could not choose the solution to be used as this was entirely at the discretion of the affected parties and their insurers.

Councillor Mrs Manning was surprised that Councils' decisions were overturned by Courts and that a percentage of cause was not taken into consideration by them. In this particular case, it appeared that roots did not have any impact on the property concerned and it was disappointing to note that although the rear of the property was also damaged (this was double the distance away from the tree in question), it was not mentioned within the report.

Councillor Buttinger was keen for the tree to remain protected. She asked if the two previous court cases differed significantly from the matter currently being considered. It was reported that the first court case concerned a tree in

Bromley North which was located on the opposite side of the road to the damaged property. The Council paid for the costs of underpinning the property. The second case concerned an extension to the rear of a property in Farnborough which was moving. Again, the Court found in favour of the applicant as the Council could not prove that the extension had not been built in accordance with building regulations. The Principal Tree Officer could not recall any successful cases by any Authority where trees were involved in matters of subsidence. She confirmed that the estimated cost of works which could be claimed (and for which the Council would potentially be liable), was in the region of £88,000 and that solicitors had written to intimate that they would lodge a claim in the event of a refusal of permission to fell the tree.

Councillor Arthur was concerned that the removal of the tree would not resolve the problem as there was no evidence to indicate that the tree contributed to the damage caused. The establishment of a root barrier would be a sensible solution. It was quite clear that the damage was caused by a lack of adequate foundation when the property was built.

Councillor Fawthrop said judges should give their reasons for going against Councils' decisions and the reasons should be minuted at that time.

Councillor Fookes stated that the consultants' report concluded that evidence had been provided which demonstrated that the oak tree was a contributory factor. For this reason, he moved that the application be granted.

RESOLVED that CONSENT FOR TREE WORKS BE REFUSED on the following grounds:-

- 1) The oak tree is considered to make an important contribution to the visual amenities of this part of the Downs Hill Conservation Area and its loss would be seriously detrimental to the amenities of the area as a whole.**
- 2) The Council considers that insufficient evidence has been submitted to justify the felling of the oak tree and alternative works, such as the installation of a root barrier have not been fully investigated.**

39 ARTICLE 4 DIRECTION - STATION SQUARE, PETTS WOOD

Report DRR 14/005

Members considered whether the Portfolio Holder for Renewal and Recreation be requested to confirm the making of a 'non-immediate' (12 month) Article 4 Direction to restrict specific permitted development rights for commercial frontages and forecourts in Station Square, Petts Wood in order to preserve the character of the Station Square conservation area by allowing the Council to consider each proposal on its merits.

A map outlining the area concerned was circulated to Members.

Councillor Fawthrop thanked the Chairman for allowing the report to be considered by Members and also thanked the Deputy Development Control Manager for providing the report. He informed Members that the recommendations set out in the report were supported by all three Ward Councillors. Councillor Fawthrop drew attention to the implementation of a 12 month delay before the Direction came into effect. He moved in favour of the recommendations as he wished to protect the visual amenity and historical value of the area under consideration.

Councillor Auld reported that during recent years, a number of businesses in the area had proceeded to erect boundary walls which had caused problems that were difficult to resolve. He seconded the motion in favour of the recommendations.

RESOLVED that the Portfolio Holder for Renewal and Recreation be recommended to confirm a non-immediate (12 month) Article 4 Direction withdrawing permitted development rights in Station Square, Petts Wood, Conservation Area in respect of the following Parts of the Town and Country Planning (General Permitted Development) Order 1995 (as amended):

- (i) Part 2 Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure; and**
- (ii) Part 4, Class B: Temporary uses and moveable structures associated with such uses.**

40 LAND AT SNAG LANE, CUDHAM PROPOSED ARTICLE 4 DIRECTION

Report DRR 14/003

Members considered whether the Portfolio Holder for Renewal and Recreation be requested to confirm the making of an Article 4 Direction to remove certain classes of permitted development from an area of land between Cudham Lane North and Snag Lane as there was concern that subdivision of this land into small plots could undermine the open character and visual amenities of the area due to indiscriminate development including fencing, structures, temporary uses of land and stationing of caravans.

Councillor Scoates welcomed the implementation of the Direction as a significant amount of land banks were currently buying up agricultural ground then partitioning the land to sell as individual plots. He moved in favour of the recommendations.

Referring to a similar problem in regard to the partitioning of cemetery ground located adjacent to her Ward, Councillor Mrs Manning seconded the motion on the grounds that open land should remain so.

It was reported that a letter in support of the recommendations had been received from the Green Street Green Village Society.

RESOLVED that the Portfolio Holder for Renewal and Recreation be recommended to confirm that an Article 4 Direction be made on land between Cudham Lane North and Snag Lane to remove permitted development rights for the following classes of development:

- (i) erection or construction of gates, fences, walls or other means of enclosure (Class A or Part 2);
- (ii) formation, laying out and construction of means of access (Class B of Part 2);
- (iii) provision of temporary buildings, etc (Class A of Part 4);
- (iv) temporary uses of land for any purpose for not more than 28 days per year (Class B of Part 4); and
- (v) use of land as a caravan site (Class A of Part 5).

41 DEVELOPING BROMLEY'S LOCAL PLAN - DRAFT POLICIES AND DESIGNATIONS FOR CONSULTATION

Report DRR14/002

Members were requested to endorse Appendix 1 of the report as the consultative 'Draft Policies and Designations' stage in the preparation of Bromley's Local Plan. Following approval from the Executive, this document would form the basis of consultation with residents, partner organisations and the wider community, scheduled for early 2014.

Member comments, questions and suggestions together with officer responses (where applicable) are set out below.

Member Comments, Questions and Suggestions	Officer Responses
It should be noted within the document that Site L: Former DHSS Building at Bromley South had been sold to the Education Funding Agency for the purpose of establishing a Free School. This site had been previously earmarked within the Bromley Town Centre Area Action Plan as a site for mixed office and residential use.	Noted.

<p>Page 115 – Conservation Areas. Unlike the draft policy on Locally Listed Buildings, no reference is made to the Council having a policy of considering applications for Conservation Areas in the future.</p>	<p>Reference to potential new Conservation Areas could be made although this would be dealt with under a separate process. Areas of Special Residential Character are considered through the Local Plan process. The proposed continuation of Policy BE14 – Trees located within Conservation Areas, was omitted in error from the document.</p>
<p>Page 43 - Housing Supply: There is potential here for non-conformity with the GLA. 470 additional homes per annum over a 15 year period is the correct one for Bromley. The Council should continue to fight for this.</p>	<p>Noted.</p>
<p>Page 83 - Parking: Whilst there is potential for non-conformity with the GLA, the minimum standard for Bromley is justified. Flexibility should be maintained for parking in Outer London.</p>	<p>Noted.</p>
<p>Page 56 - Conversion of non-residential buildings to residential: Additional reference should be made to not adding undue parking and highway pressures on the area.</p>	<p>Noted and additional clause to be included.</p>
<p>Page 100 - The Green Belt: This should highlight that the surrounding edge of Green Belt land is the most vulnerable because once it is developed, the remainder of the land would become vulnerable.</p>	<p>The Draft Policy on page 103 of the report refers to land adjoining Green Belt or Metropolitan Open Land. The Draft Policy on page 100 protects all Green Belt land however, supporting text could be supplemented.</p>
<p>Page 54 - Side Space Policy: The 1m side space which applied to buildings consisting of two or more storeys should also apply to one storey buildings.</p>	<p>The Side Space Policy was introduced to prevent the appearance of terracing however, there are other policies which refer to layout and character of areas more generally which provides protection. Applying side space policy to one storey would need to be considered in more detail and separately to this consultation.</p>

<p>Page 96 - Development and Trees: The final sentence should be amended to read:- <i>'When trees have to be felled, the Council will seek suitable replanting of native species.'</i></p>	<p>Will be amended to read as suggested.</p>
<p>Page 97 - Conservation and Management of Trees and Woodlands: Reference should be made to ensuring there is sufficient room for trees to grow to their full size and potential.</p>	<p>Supplementary Planning Guide can provide information on detailed requirements.</p>
<p>Page 151 - Working in Bromley: Comments regarding the loss of offices and the permitted developments rights to allow a change of use without seeking the Council's consent, raised concerns as to whether there was sufficient protection.</p>	<p>DCC had considered Article 4 requests for three areas within Bromley Town Centre namely, London Road, Bromley North Station and the extension at Bromley South. These would be submitted for Portfolio Holder consideration at the Renewal and Recreation PDS meeting to be held on 28 January 2014.</p>
<p>Page 104 – There was concern that Urban Open Space would not have the same protection as Green Belt Land.</p>	<p>Green Belt and Metropolitan Open Land have the same protection. Urban Open Space has a different function and has protection but not at the same level. The NPPF brought in a new designation - Local Green Space (LGS) and areas could be suggested for consideration as part of the Local Plan process. Whilst small areas and all Urban Open Space could not be Local Green Space, areas of Urban Open Space could be considered against criteria for LGS.</p>
<p>Pages 183-184: It should be noted that the proposed development at Chipperfield Day Centre has commenced. Although the proposed development at Grays Farm Production Village had been permitted, this was no longer going ahead and may affect the target for housing provision.</p>	<p>Noted.</p>

<p>The possible removal of Green Belt status had been omitted from the document. This was discussed at a meeting of the Local Framework Advisory Panel on 4 December 2014.</p>	<p>This would be reviewed and reported back to Members.</p>
<p>Page 65 - Crystal Palace Penge & Anerley Renewal Area: The transport infrastructure needs to be reflected.</p>	<p>Wording referring to transport infrastructure will be included.</p>
<p>Page 65 - Crystal Palace Penge & Anerley Renewal Area: The importance of this regeneration site should be reflected on page 139 of the document as a potential area for economic growth.</p>	<p>Whilst there is a level of growth for this area, it is not enough to be included in page 139 at present. This will be monitored.</p>
<p>Page 11 - Draft Designation Schedule: It does not make sense to designate Bromley Civic Centre for retail use particularly while the Town Centre's principal shopping centre in and around the High Street is suffering an element of decline. Kentish Way, which lies between the two, would also act as a deterrent. Any new retail use would need to be directly supportive of the existing shopping area.</p>	<p>The Civic Centre is part of Bromley Town Centre and national policy states that this is appropriate for retail use. It would not be advantageous for Bromley if retail business was to migrate away from the Town Centre.</p>
<p>Pages 46/47 – Living in Bromley: Residential development schemes should contain a percentage of disabled units, bedsits, 1/2/3 and 4 bed roomed properties. Flexibility on car parking should also be considered especially in developments consisting of 4 or more bedrooms. Should encourage mixed development schemes in Town Centres.</p>	<p>Noted.</p>
<p>Page 81 – Burial Space: The only available land that could be suggested as possible burial space is farmland.</p>	<p>Noted.</p>

Page 100 – The Green Belt: Fracking could be undertaken on GB land however, this would be dictated by Government.	Noted.
Aviation-related activities need to be monitored re. expansion.	Noted.
Councillor Fawthrop reiterated his view that Petts Wood ASRC should be designated as ‘saturated’.	There will be a future Supplementary Planning Document relating to design which could be the most appropriate place to include this. Evidence would also be considered for the next cycle of Local Plan consultation.
The practice of joining together two semi-detached houses to form a single detached house had an impact on Areas of Residential Character – this should be addressed via guidance.	Noted.
Page 177 – 2 nd paragraph. Councillor Mellor requested feedback regarding the progress of discussions on the future of Fort Halstead.	An update would be reported to Members.

Members agreed that major changes to side space policy was an important issue and should be considered as a separate item at a future Development Control Committee meeting.

RESOLVED that subject to the above comments, suggestions and amendments, the ‘Draft Policies and Designations’ document (Appendix 1 of the report) be endorsed for the Executive to agree its release for public consultation.

The meeting ended at 9.00 pm

Chairman

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Application No : 14/00452/FULL1

Ward:
Crystal Palace

Address : The Haven Springfield Road Sydenham
London SE26 6HG

OS Grid Ref: E: 534884 N: 171063

Applicant :

Objections : YES

Description of Development:

Demolition of existing buildings and redevelopment of The Haven and Rookstone site comprising two to four storey buildings to provide 107 residential units (25 four bed houses and 19 three bed, 33 two bed and 30 one bed flats) with 135 car parking spaces, landscaping and associated works

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Local Cycle Network
London City Airport Safeguarding
London City Airport Safeguarding Birds
London Distributor Roads

Proposal

- o Demolition of existing buildings (Rookstone House and The Haven) and erection of buildings between two and four storeys in height to provide 107 dwellings (25 four bedroom houses and 85 flats (30 one bedroom, 33 two bedroom and 19 three bedroom) - 38 units will comprise affordable housing (representing 35% of the scheme by habitable room)
- o an approx. 82m long terrace comprising 10 three storey four bedroom houses and 2 four storey blocks of flats will face 2 terraces (approx. 50m and approx. 27m long) comprising 9 three storey four bedroom houses and 2 four storey blocks of flats with an access road, car parking and soft landscaping to the centre of the site - 12 one bedroom, 24 two bedroom and 8 three bedroom flats will be provided in total within this part of the development
- o there will be a terrace of 5 two storey houses with accommodation in the roofspace to the east of the site accessed from Springfield Road and there will be a two storey house with accommodation in the roofspace fronting Lawrie Park Crescent to the north of the site

- o 12 one bedroom and 6 two bedroom shared ownership flats will be provided in a three storey building occupying a similar footprint to Rookstone House at the northern end of the site with an access from Lawrie Park Crescent
- o 6 one bedroom, 3 two bedroom and 11 three bedroom affordable rent flats will be provided in a four storey building to the southern end of the site with 17 car parking spaces and an access from Crystal Palace Park Road
- o main site access will be located slightly to the north of existing access on Springfield Road
- o 135 car parking spaces (two spaces per house and one space per apartment) and 146 cycle parking spaces will be provided
- o materials will include London stock bricks (dark, light and regular shades), slate tiles, oak clad balconies and bronze metal cladding
- o minimum of 20% of car parking spaces will be provided with Electrical Vehicle Charging Points (EVCPs)
- o private terraces or gardens will be provided for each ground floor property whilst balconies or roof terraces will be provided to 1st floor flats and above
- o private green space will be integrated with the parking provision to the front of the buildings
- o access road will be constructed from brick pavers to create a pedestrian priority feel
- o communal play areas will be provided at the north end of the site and at the Crystal Palace Park Road entrance
- o 60 new native species trees will be planted including fruit and flowering species for wildlife and amenity value and large, semi-mature specimens in key locations
- o retention of tree canopy line along the site boundary will retain bat foraging opportunity
- o energy efficiency measures and photovoltaic panels will deliver at least a 40% reduction in CO2 over 2010 building regulations across the site
- o all dwellings are designed to meet Code for Sustainable Homes Level 4
- o 10% of all units will be wheelchair accessible or designed so as to be easily adaptable for wheelchair users.

The application is accompanied by a Planning Statement which includes the following points:

- o Government policy promotes the efficient use of land both to help meet housing requirements and to achieve more sustainable patterns of development - this will often be at a greater intensity than has historically occurred
- o on the basis of the government's current stance on housing delivery the scheme should be considered in accordance with the presumption in favour of development
- o London Plan 2011 identifies a minimum target of delivering 500 new homes per annum in Bromley throughout the plan period - proposal would contribute towards the delivery of much needed housing
- o Policy 3.8 of the London Plan states that "account is taken of the changing age structure of London's population and, in particular, the varied needs of older Londoners, including for supported and affordable provision" - site has been marketed since 2011 when the buildings were vacated by the Salvation Army as they were no longer fit for purpose and did not meet the standards required for care facilities, whilst the focus of child care provision has shifted to much smaller (4 bed) residential settings instead of larger care homes - it is therefore unsurprising that despite over 2 years marketing there has been no interest in the Site for continued C2 care home use (either by re-use or redevelopment)
- o discussions took place with Bromley Adult Services regarding the potential for a replacement elderly care home facility at the site, however there are plans to redevelop four more appropriate sites to adequately meet the projected demand for care in the borough
- o marketing evidence demonstrates that there is no real prospect of the site being reused for Class C2 care home use and residential redevelopment of the site is therefore in line with the National Planning Policy Framework (NPPF)
- o layout, scale and massing of the development are designed to complement the surrounding area - buildings are of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and incorporates details and materials that complement the local architectural character
- o layout of the residential development provides natural surveillance to the private communal routes and open spaces and site will be gated at the access from Springfield Road to create a reduced risk of crime and a sense of safety
- o assessment of the relationship with neighbouring properties has been undertaken and cross sections drawings accompanying the application demonstrate that the proposed buildings (the tallest of which are four storeys) are of an appropriate scale to the surrounding built form (which varies from 2 to 4 stories) and is orientated on the site to ensure that there

are appropriate separation distances and relationships with the neighbouring properties

- o site is well screened from surrounding development by the existing mature tree screen along the site boundaries which, combined with the separation distance between properties, will ensure that there is no adverse impact upon the amenities of neighbouring residents, including loss of privacy from any direct overlooking or a sense of overbearing from the new buildings.

The application is accompanied by the following:

- o Design and Access Statement
- o Affordable Housing Statement
- o Ecology Report
- o Phase 1 Habitat Survey
- o Energy & Sustainability Statement
- o Engineering Report on the Rail Tunnel
- o Statement of Community Involvement
- o Tree Survey and Arboricultural Implications Report
- o Flood Risk & Surface Water Drainage Assessment
- o Transport Assessment Report
- o Framework Travel Plan
- o Phase 2 Contaminated Land Interpretative Report and Outline Remediation Strategy
- o Planning Obligations Heads of Terms Statement.

Location

- o 0.78 ha site currently occupied by two disused buildings, hardstandings and soft landscaping including mature trees around the boundary of the site
- o Rookstone House to the northern end of the Site fronting Lawrie Park Crescent was historically used by the Salvation Army as a nursing home for the elderly
- o the Haven building, located at the centre of the Site, was previously in use as a children's care home
- o existing buildings on the Site have a total Gross External Area (GEA) of 2,566m²
- o railway line (from Penge West to Sydenham Hill) runs underneath the Site and partly underneath Rookstone House - there is a zone of influence along the route of the railway line which must be kept free from built development
- o there are three existing access points into the site from Springfield Road, Lawrie Park Crescent and Crystal Palace Park Road
- o site is located in an area with a medium PTAL rate of 3

- o site lies in a residential area on the southern side of Lawrie Park Crescent and is bounded by Crystal Palace Park Road to the south west and Springfield Road to the east, with residential properties in Cobden Mews, accessed off of Sydenham Avenue, to the west
- o surrounding area is predominantly characterised by tree-lined streets with residential properties of varying architectural styles and heights (ranging from two to four storeys)
- o all the trees on the Site are protected by a blanket Tree Preservation Order (TPO Ref: 2473/2012).

Consultations

Comments from local residents

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- o gross overdevelopment / excessive density / 78.6 dwellings per hectare is approaching maximum as set out in the London Plan
- o out of character / no precedent for this type of development in surrounding area / overbearing visual impact / excessive bulk / poor design / unrelieved appearance / little variety of materials / harm to street scene from bulk of Block 5 / cramped appearance / interconnected flats and houses will create claustrophobic corridor / loss of green space / harm to open character / inadequate amenity areas, public space and play space / inadequate space around buildings / scheme fails to comply with policy design guidance / affordable housing is separated from remainder of development
- o harm to character and appearance of adjacent Conservation Area
- o excessive height of buildings particularly in relation to existing surrounding development / development on Rookstone slab should be no higher than existing building
- o harm to amenities of occupants of nearby residential dwellings / loss of sunlight, daylight, outlook and privacy at nearby properties including those fronting Maybourne Close, Border Road, Cobden Mews, Lawrie Park Crescent, Crystal Palace Park Road and at Holly Court / tree screening along border of site with properties fronting Maybourne Close and Cobden Mews is very thin / no tree along boundary with 15 Lawrie Park Crescent / new tree planting will take years to mature and provide effective screening / plan illustrating extent of overshadowing is unrealistic / drawings indicating height of existing trees in relation to the development are misleading and inaccurate
- o north wall of 38 Crystal Palace Park Road forms part of site boundary and scheme will prevent access to north and east walls for maintenance and to clean windows

- o increased pollution
- o development over railway tunnel may affect sanitation and cause subsidence and flooding
- o increased noise and disturbance and light pollution affecting nearby properties / noise from children's play space
- o smells and vermin from bin stores, particularly those adjacent to house No. 10 (on development site) and No. 36 & 38 Crystal Palace Park Road
- o increased traffic / Springfield Road and Lawrie Park Crescent are used as rat runs during rush hour / provision of a convenience store within scheme would reduce traffic
- o inadequate car parking / increased demand for on-street car parking, in particular on Springfield Road / resident's permit scheme will not address problems that will be caused / St. Christopher's Hospice staff and visitors and tennis club members park in surrounding roads / Hospice staff will be put in danger after dark if forced to park further from the facility / Transport Assessment is flawed and takes inadequate account of existing parking demand and vehicles servicing development / traffic count was suspended prematurely at 6pm / Travel Plan is unenforceable
- o detrimental impact on highway and pedestrian safety / reduced visibility from main access due to increased parking / junction of Maybourne Close with Springfield Road is somewhat concealed / junction of Lawrie Park Crescent and Springfield Road is dangerous / danger from speeding vehicles on Crystal Palace Park Road / fatalities have occurred on Lawrie Park Crescent and Crystal Palace Park Road
- o 46 mature trees will be removed / many trees have already been felled / further felling of trees is excessive / tree removal detrimental to woodland character of area / trees were absorbing excess groundwater
- o loss of wildlife habitat affecting squirrels, birds, bats and mice / displacement of wildlife into surrounding gardens / increased pressure on neighbouring gardens for provision of new food sources and habitats / displacement of foxes threatens safety of babies / replacement ornamental tree planting does not replace lost habitats / no evidence of a licence from Natural England for felling of trees with bat roosting potential / ecology statement fails to address stag beetle population of site
- o increased pressure on local infrastructure and services including healthcare and education
- o impact on roads and facilities within London Borough of Lewisham
- o Bromley housing targets should not be justification for overdevelopment

- o pressure on already crumbling sewage system / Thames Water have not agreed feasibility of foul sewer diversion
- o increased flood risk / increased surface water run-off from hard surfaces will affect adjacent properties / Springfield Road affected by flood and subsequent frost damage
- o surface water run-off, increase in water table and compression of clay soil could increase risk of subsidence at adjacent properties / soil removal, excavation and building work will lead to land instability / tree planting will cause clay shrinkage subsidence
- o gated development will be divisive to community
- o noise, disturbance, disruption and dust during construction period / highways and parking impact of construction traffic / damage to surrounding roads from construction traffic / inadequate information regarding measures to mitigate impacts of construction on neighbouring properties and means of enforcing those measures
- o significant changes in relation to clay strata, saturation and mass bearing, particularly during construction, will affect railway tunnel structure / risk of collapse of sewage system and railway tunnel from weight of development
- o inadequate community consultation / contempt for community / misrepresentation of community feedback / feedback has been disregarded / misleading claims / inadequate notification of public exhibition / Kitewood did not contact local residents following neighbourhood consultation / applicant should provide a 3D model of proposed development
- o harm to setting of Crystal Palace Park
- o inaccuracies in submission for Environmental Impact Assessment screening opinion
- o restrictive covenant prevents development of more than 10 dwellinghouses on the site
- o decision should be delayed until after local elections.

The comments summarised above include a representation from the Sydenham Society.

Consultations

The Environment Agency have no objections to the proposal.

Network Rail have commented that discussions are ongoing regarding an Asset Protection Agreement in relation to the railway tunnel under the site.

There are no objections in terms of highways, subject to conditions.

The Council's in-house drainage consultant has no objections to the proposal.

There are no objections in terms of Environmental Health.

The London Borough of Lewisham have no objections to the proposal.

The following comments have been received in respect of trees and biodiversity:

- o Arboricultural Survey and Planning Integration Report dated 20th January 2014 does not consider any off-site trees within the neighbouring property as is recommend within current British Standard (BS) 5837 Trees in Relation to Design, Demolition and Construction. Recommendations: 2013 - some of these off-site trees that have the potential for their RPA to be within the proposed site are protected within tree preservation orders (TPO's) number 965A Area Order 08/04/1994 Area 1
- o it is not clear from 'Figure 1 Topographical Survey with Tree Positions and RPAs what are the current levels within the site and what are proposed changes, if any, affecting trees within the site
- o removal of a significant number of mature trees for the proposed new road accesses and for the visibility splays has not been sufficiently justified within the Planning Integration Report
- o use of retention principles within BS 5837:2012 regarding conservation, mitigation and compensation of existing trees within a proposed development scheme has not been adequately applied on this occasion - given that trees that can be retained will be likely to be lost, suitable mitigation measures could be implemented for those trees that are proposed to be retained, whilst the scheme does not have sufficient areas to allow for suitable compensation within the site
- o design of the proposed dwellings have not taken into consideration Site Layout Planning for Daylight and Sunlight, A guide to good practice, BRE (Building Research Establishment) Trust 2011
- o it is proposed to install new dwellings in close proximity to the mature trees that are protected within the Area Orders number 965A severed 08/04/1994 & number 2473 severed 02/03/2012 (located to the south, west and east of the proposed new dwellings) - the location of these new dwellings and the subdivision of the management control of trees into new small domestic gardens will result in a greater risk of post development pressure on the trees - pressure to maintain and or remove the trees will be fragmented given the current proposals and will result in the loss of the overall control and management of the trees by one larger owner to many smaller owners with differing opinions on what is an acceptable level of light loss, hazards

and risk to their properties from the mature trees that will be within their ownership, control and liability

- o it appears that the full recommendations and advice within the BS 5837:2012 and the advice from BRE have not been taken into consideration in the design of the scheme - the proposals will have a detrimental impact upon the trees during the enabling works and construction and post construction phases - these trees are protected by TPO numbers 965A & 2473 (both are Area Orders severed on 08/04/1994 and 02/03/2012) as they have a significant public visual amenity value and provide a green screen for the site - the trees within these TPOs are visible from the public highway and form the significant landscape character of the surrounding local area of Lawrie Park Crescent, Springfield Road and Crystal Palace Park Road - the current proposals will have a detrimental impact of the mature trees protected within TPOs that form the green screen around the site and reduce the significant large area of verdant landscape that is a positive characteristic within the surrounding area
- o proposal will result in a net loss of green open landscaped areas and an increase in the amount of hard landscape areas - proposed new public and private green areas will be small fragmented areas that will be unable to sustain large mature trees, seating areas, play areas, DDA complaint footpaths and the mosaic of vegetation that is required for Codes for Sustainable Homes
- o biodiversity information submitted to the Council by LaDellWood did not state that the Phase 1 Habitat Survey was undertaken in accordance with British Standard 42020:2013: Biodiversity Code of Practice for Planning and Development or that it was undertaken in accordance with Joint Nature Conservation Committee (2010), Handbook for Phase 1 Habitat Survey: A Technique for Environmental Audit. –
- o Phase 1 Habitat Survey was undertaken in September 2013 after a significant amount of vegetation was cleared from the site and the effects of this site clearance has not been considered
- o Phase 1 Habitat Survey does not adhere to Table 7.2 Minimum recommended visit frequency and timing for activity surveys, Bat Conservation Trust, Bat Surveys (2012), Good Practice Guidelines, 2nd Edition
- o Ecological Assessment does not comply with the Natural England Standing Advice issued on 21st October 2013
- o proposal will result in a net loss of biodiversity within the site during the enabling works and construction and post construction phases.

Any further responses to consultations will be reported verbally at the meeting.

Planning Considerations

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

UDP

- o H1 Housing Supply
- o H2 Affordable Housing
- o H7 Housing Density and Design
- o H9 Side Space
- o T1 Transport Demand
- o T2 Assessment of Transport Effects
- o T3 Parking
- o T5 Access for People with Restricted Mobility
- o T6 Pedestrians
- o T7 Cyclists
- o T11 New Accesses
- o T18 Road Safety
- o NE7 Development and trees
- o BE1 Design of New Development
- o BE7 Railings, Boundary Walls and Other Means of Enclosure
- o BE13 Development adjacent to a Conservation Area
- o NE3 Nature Conservation and Development??
- o NE5 Protected Species
- o NE7 Development and Trees
- o IMP1 Planning Obligations

London Plan

- o 2.7 Outer London: Vision and Strategy
- o 3.3 Increasing housing supply
- o 3.4 Optimising housing potential
- o 3.5 Quality and design of housing developments
- o 3.6 Children and Young Peoples Play and Informal Recreation Facilities
- o 3.8 Housing choice
- o 3.9 Mixed and balanced communities
- o 3.13 Negotiating affordable housing on individual private residential and mixed use schemes
- o 3.14 Affordable housing thresholds
- o 5.2 Minimising carbon dioxide emissions
- o 5.3 Sustainable Design and Construction
- o 5.7 Renewable Energy
- o 5.12 Flood Risk Management
- o 5.13 Sustainable Drainage
- o 6.9 Cycling
- o 6.13 Parking
- o 7.1 Building London's neighbourhoods and communities
- o 7.2 An inclusive environment
- o 7.3 Designing out crime
- o 7.4 Local character
- o 7.6 Architecture
- o 7.21 Trees and Woodland
- o 8.2 Planning Obligations.

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

- o Affordable Housing SPD
- o Planning Obligations SPD

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

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

The proposal equates to a residential density of 76.4 dwellings per hectare.

As part of the application process, it was necessary for the Council to give a Screening Opinion as to whether an Environmental Impact Assessment was required. The proposal constitutes Schedule 2 development within the meaning of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. After taking into account the selection criteria in Schedule 3 of the Regulations and the terms of the European Directive, it was considered that the proposed development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size and location. This opinion was expressed taking into account all relevant factors including the information submitted with the application, advice from technical consultees, the scale/characteristics of the existing and proposed development on the site.

The breakdown of the healthcare and education infrastructure contributions required to accord with Policy IMP1 is as follows:

Education:	
Pre-School	£70,250.32
Primary	£301,957.57
Secondary	£212,396.46
16-17yrs	£88,096.75
Total	£672,701.09
Health:	£143,487.00

Clarification is awaited regarding whether the applicant accepts these contributions and any update will be reported verbally at the meeting. The affordable housing and healthcare and education infrastructure contributions will be secured through a Section 106 legal agreement.

Conclusions

London Plan policy 3.8 seeks to address the needs of London's older population alongside addressing other housing objectives, including the delivery of a range of housing choices in terms of the mix of housing sizes and types. The applicants have submitted evidence to demonstrate a lack of interest in the site for Use Class C2 (Residential Institutions) redevelopment and the residential (Use Class C3) redevelopment of the site is considered acceptable. The main issues to be considered in this case are the impact of the proposal on the character of the area and the impact of the proposal on the residential amenities of the occupants of nearby dwellings.

The surrounding residential area is mixed in terms of its character and predominantly comprises 2 and 3 storey residential buildings, although there is also four storey development on Crystal Palace Park Road and Lawrie Park Road to the south of the site. The application site is large enough to define its own character and development of up to four storeys in height can be considered appropriate in principle on this site.

Rookstone House, a two storey building fronting Lawrie Park Crescent, will be replaced by Block 5, a three storey building occupying a similar footprint. There are existing three storey residential buildings along this part of Lawrie Park Crescent, although none of the scale of the proposed Block 5. The design and elevational detailing of the block will serve to detract from any impression of bulk and the building is not considered to result in any undue harm to the street scene. The terrace of 5 houses to the east of the site and the house fronting Lawrie Park Crescent are also considered acceptable in character terms.

The proposed development features two rows of 3 and 4 storey terraced buildings with a four storey block occupying the southern part of the site. The west terrace will be approx. 82m in length whilst the east terraces will be approx. 50m and 27m in length with an approx. 2.6m separation providing a bin store at ground floor level. The architectural detailing, fenestration and steps in the building line and the variations in the height of the terraces will serve to add interest to the buildings and detract somewhat from the impression of bulk. The scale of the terraced buildings and the four storey block to the south although large, is on balance considered acceptable.

The soft landscaping and retained trees will be primarily occupy private rear gardens to the houses and flats and the two play areas whilst the central area of the site between the main buildings will be dominated by hardstanding, with some soft landscaping and tree planting. There is a large proportion of hardstanding on the site to meet the parking requirements of the development, including some areas of unrelieved car parking.

The scheme will clearly result in a significant change to the residential amenities that have been enjoyed by the occupants of the adjoining properties for a long period of time due to the characteristics of the site and the scale and location of existing development. Attempts have been made to provide adequate separation distances between the proposed buildings and surrounding residential

development. The Design and Access Statement includes a plan at page 23 which illustrates the separation distances to adjacent properties. There is an approx. 19m separation between the rear window of House No. 1 and the flank elevation of No. 12 Maybourne Close whilst there is 15m separation between the rear of House No. 21 and No. 8 Cobden Mews. House No. 25 will have a 6m side space to No. 15 Lawrie Park Crescent. The remainder of the buildings have a minimum 20m separation to the nearest residential properties and rear gardens are generally a minimum 10m in depth. Some of the separation with adjacent sites involves minimum acceptable relationships and there may be some potential for overlooking and visual impact to existing adjacent dwellings. This is a high density scheme in a suburban location, with a large proportion of built development. Members will wish to carefully consider the proposal and its relationship with the surrounding area with particular regard to the development proposed.

The layout of the proposed development will be likely to result in post development pressure for the lopping or felling of mature trees subject to a Tree Preservation Order. The presence of these mature trees represents a constraint to development on the site and there will be insufficient opportunities for compensatory planting where trees are removed. It can therefore be considered that the proposal represents an overdevelopment of the site in this regard. Inadequate information has been submitted to properly assess the ecological implications of the proposal as detailed above and refusal of planning permission is recommended in this regard.

Subject to the applicant agreeing proposed healthcare and education contributions to be secured through a Section 106 there are no concerns in this regard or in terms of the proposed housing mix, which accords with policy.

Background papers referred to during the production of this report comprise all correspondence and other documents on file ref. 14/00452, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

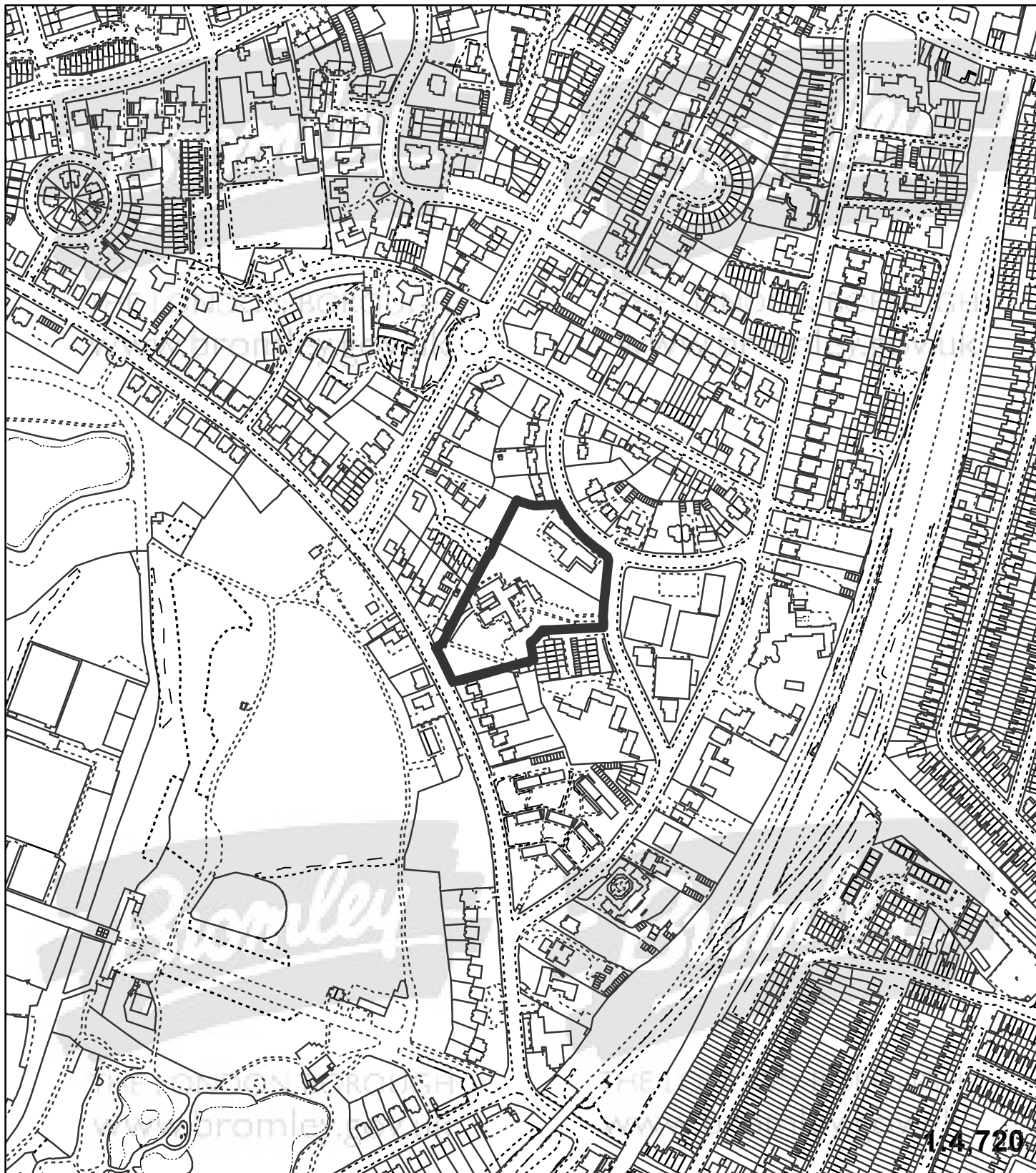
The reasons for refusal are:

1. The proposal, by reason of the layout and the amount of development and site coverage with hard surfaces, will be likely to result in post development pressure for the lopping and felling of mature trees with inadequate opportunities for compensatory planting detrimental to the visual amenities and biodiversity potential of the site thereby contrary to Policies BE1, NE3 and NE7 of the Unitary Development Plan.
2. Insufficient information has been provided to properly assess the ecological implications of the proposal contrary to Policy NE3 of the Unitary Development Plan.

Application:14/00452/FULL1

Address: The Haven Springfield Road Sydenham London SE26 6HG

Proposal: Demolition of existing buildings and redevelopment of The Haven and Rookstone site comprising two to four storey buildings to provide 107 residential units (25 four bed houses and 19 three bed, 33 two bed and 30 one bed flats) with 135 car parking spaces, landscaping and



"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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Application No : 13/04054/FULL1

Ward:
Hayes And Coney Hall

Address : Hayes Court West Common Road Hayes
Bromley BR2 7AU

OS Grid Ref: E: 540502 N: 165373

Applicant : London Square

Objections : YES

Description of Development:

Part demolition of Hayes Court (Grade II listed) and detached outbuildings on site. Change of use and restoration of part of Hayes Court to accommodate 8 apartments (1 one bedroom and 7 two bedroom) and erection of 16 detached and mews style houses (1 x three bedroom, 8 x four bedroom and 7 x five bedroom) with associated communal and allocated car parking and landscaping including refuse/recycling store and cycle store

Key designations:

Conservation Area: Bromley Hayes And Keston Commons
Areas of Archeological Significance
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Urban Open Space

Proposal

Permission is sought to demolish a section of the Statutory Listed Building, along with associated outbuildings, change the use of the Listed Building from office (Class B1) to residential (Class C3) to form 8 residential units. The proposal also includes the erection of 16 detached and mews houses within the grounds of Hayes Court with associated communal and private car parking, landscaping and refuse/recycling/cycle stores.

A Listed Building Consent application (ref. 13/04055) accompanies the application on this agenda.

The full details of the proposal are as follows:

- Retention of the main Grade II listed house and demolition of the three-storey 1980's extension, the two-storey 1940's extension, the 1920's extension, the various outbuildings and part of boundary wall.
- Alterations to the main Grade II listed house to provide a new entrance feature and general renovation of the building. Conversion of the building to 1 x one bedroom and 7 x two bedroom flats.

- The proposal includes 9 mews houses, 6 detached two storey dwellings and 1 detached gate house dwelling.
- The scheme proposes a total of 24 residential units with 125 habitable rooms in the converted main building and new detached and mews-style dwellings with a range of one, two, three, four and five bedroom units. The scheme proposes a density of 9 unit per hectare.
- All detached and mews style dwellings are proposed and will be two storeys in height. There will be 9 mews houses to the east of the Listed Building, four detached 'Villas' to the west of the Listed Building, two detached dwellings to the north east of the Listed Building and 9 mews dwellings to the east of the Listed Building that will be sited closely similar to the positions of the existing wings of the Listed Building.
- Car parking provision comprising 2 private car parking spaces and space for visitors within the curtilage of each house; and 2 private car parking spaces per apartment and 2 additional spaces for visitors in a shared parking area. The communal car park will be sited adjacent to the north of the mews, to the north east of the Listed Building. This area will include a sub-station, refuse/recycling and bicycle stores.
- Landscaping improvements will be made which will reduce the existing level of hardstanding and increase the amount of soft landscaping that currently exists on site. This comprises a larger area of grass to the north of the Listed Building to replace some of the existing hardstanding along with more formal flower beds and planting in close proximity to the Listed Building. Tree planting will be included to the west of the Listed Building.
- Storage within the private garages of the 16 new residential dwellings will be available for cycling parking. A total of 20 cycle parking spaces are provided for the 8 apartments alongside the car parking area. This equates to 2 spaces per flat and 4 visitor spaces.
- The existing northern entrance and driveway will be retained in its current form, with the existing southern entrance to the site utilised to provide access to the Mews dwellings.
- The proposal comprises 100% market housing at submission stage. The applicant advises that the site can viably support a S106 contribution for affordable housing along with contributions for health and education. A Financial Viability Assessment has been submitted and independently assessed on behalf of the Council.

The application is accompanied by the following documents:

- Design and Access Statement
- Planning Statement
- Landscape Statement
- Heritage Appraisal

- Energy statement
- Transport Statement
- Statement of Community Involvement
- Surface Water Run-Off and Flood Risk Statement
- Tree Survey, Arboricultural Report and Tree Protection Plan
- Preliminary Ecological Appraisal
- Archaeological Desk-Based Assessment
- Interim Site Investigation Report
- Structural Feasibility Report
- Office Marketing Report and Local Office Market Report
- Financial Viability Assessment

The application is accompanied by Planning and Design and Access Statements which make the following points in support of the application:

- The main house can be returned to a residential use, which is more sympathetic to its historical form. The views of the main house from the north and south lawn can be enhanced. The Listed building as it stands is in a poor condition. The overall intention is to repair and conserve the original house to make it the centre piece of the new development.
- The site has been used as offices by the trade union UNITE since 1949. Unite has gradually vacated the site since 2011 and relocated its operations to alternative premises. The building is now largely vacant.
- The proposal has evolved as a result of in-depth pre-application consultation along with a public consultation over the course of over a year. The current scheme has been revised as a result of the Planning Department's pre-application comments.
- Demand for office space in Hayes has been shown via marketing of the site to be insufficient to sustain the continued use of the site as office accommodation.
- The application proposes 24 residential units, making a significant contribution to the Borough's annual target.
- The proposed development represents a 37% increase in built volume and a 48% increase in built footprint. When the footprint and hardstanding of the proposed scheme are considered together, they comprise only 79% of the existing. The proposal will demolish inappropriate development and has been sympathetically designed to minimise the impact on the Urban Open Space. The proposal does not add a disproportionate amount of development to the site. An 11% increase in soft landscaping will be provided and provide opportunities for ecological enhancements. The proposed built volume is 137% of the existing.
- The development has been carefully designed to prevent impact on the openness of the adjoining Green Belt land. A buffer area has also been included to prevent any harm.

- The proposed scheme will preserve and enhance the listed building by repairing it and providing it with a sustainable long-term future. The proposals represent a demonstrable benefit over the existing situation and fully satisfy national, regional and local planning policy for listed buildings.
- The majority of trees on the site will be retained and new areas of soft landscaping, which will enhance the site's visual appearance and ecological value, are proposed. The character and appearance of the conservation area will be preserved and enhanced by the proposed development.
- The proposed low residential density is justified given the need to respect the historic landscaped setting of the Grade II listed building, together with the site's designation as Urban Open Space and the resultant need to preserve the open character of the site.
- The proposed mix of units provides a good variety of family (three-bed plus) and non-family (one- and two-bed) accommodation in accordance with local and strategic objectives. The units will meet the London Plan space standards. All units will have either private gardens or access to the communal lawns.
- The development will not impact on local residential amenity. To the north, the Gatehouse will be well screened from neighbouring properties and the remainder of the development is sited a significant distance from other residential properties.
- In terms of ecology, the Preliminary Ecological Appraisal predicts that, as a worst case scenario, the development is likely to result in a minor adverse ecological effect.
- The development proposals provide two private car parking spaces and space for visitors within the curtilage of each house. The shared parking area provides two parking spaces per apartment plus two visitor spaces. The level of parking provided is necessary to support the development without creating overspill car parking on the local road network and address concerns raised by local residents. A suitable amount of cycle storage is provided with waste/recycle storage.
- The development will be highly sustainable and will meet Code for Sustainable Homes Level 4 and BREEAM Very Good.
- The proposal provides an informal route through the site, improving access to the common and enhancing public views of the listed building.

A subsequent letter dated 28/02/14 has been submitted by the applicant that emphasizes the benefits that the scheme will provide.

Location

Hayes Court is sited on the western side of West Common Road. The site falls within the Bromley, Hayes And Keston Commons Conservation Area and is designated Urban Open Space. The site is surrounded to the west, east and south by Green Belt woodland. Hayes School is sited in close proximity to the north on West Common Road.

The site comprises a two storey Grade II Statutory Listed Building that has been extended to the east to provide 2 three storey wings. The building, although originally residential, is currently under office (Class B1) use and sits within a large, attractive plot served by two access driveways. The site currently has a large amount of hardstanding around the building and also possesses a group of small detached outbuildings to the north of the Listed Building.

Consultations

Comments from Local Residents

Nearby properties were notified and representations were received which can be summarised as follows:

- The road is dangerous and narrow, particularly when cars are parked along one side of the road to pick up from the school - traffic calming measures should be provided.
- Inadequate highway lighting at night.
- Visitor car parking is insufficient and will lead to parking on the highway.
- Parking control measures will be required to prevent parking on the highway that will cause highway safety issues.
- Parking in West Common Road is increasing and this may add to highway safety problems.
- The existing orange sodium lighting ruins the light quality of the area, is totally unsuitable in a Conservation Area and should be removed.
- Letter of general support for the proposal provided the highway safety implications are addressed.

The Wickham Common Residents' Association has commented that they would support the development of the Listed Building but object to the development of the grounds due to the designations of the land. The applicant provides insufficient justification to provide off-site affordable housing.

The Hayes Village Association has objected on the grounds that the proposal would over-develop the site. The buildings would also be of a design that would not be simple and would impact on the character of the original building. The four detached buildings to the west of the site would introduce a dominant and suburban arrangement that would be out of character. The demolition of the later additions, along with the restoration of the listed building, is supported.

Comments from Consultees

The Council's Highways Officer raises no objections.

Waste Services raises no objections to the layout of the site and the servicing of it.

The Council's Drainage Officer raises no objection.

The Environment Agency raises no objection to the proposal subject to conditions relating to suitable drainage, a contamination risk assessment, environmental risk and sustainable drainage.

Thames Water has raised no objections to the proposal, and standard informatives are suggested.

English Heritage (Archaeology) has raised no archaeological objection to the proposal, subject to an archaeological condition that requires the applicant to secure the implementation of a programme of archaeological work in accordance with a written scheme for investigation.

English Heritage's Inspector of Historic Buildings has raised objection on the basis of the impact of the development on the setting of Hayes Court. Concerns are raised regarding views from the Listed Building as well as the impact the scheme would have on the character and setting of Hayes Court.

The Council's Environmental Health (Pollution) Officer raises no objections subject to a standard condition requiring some basic soil sampling along with an informative.

The Metropolitan Police Crime Prevention Design Adviser has raised no objections, subject to a Secure By Design condition.

The Strategic Housing Manager has commented that there is a high demand for affordable housing within this part of the borough. As such, this is considered to be a suitable location for the provision of affordable housing. It is considered that a review of the layout, design and size of units in the proposed scheme in principle should mean that provision of on-site affordable housing is possible on the site. Following an independent review of the Financial Viability Appraisal, the Strategic Housing Manager has stated that its findings conclude that an in-lieu payment for affordable housing off site can be provided by the developer.

Natural England has not commented on the proposal.

The West Kent Badger Group has undertaken a walk-over survey and has concluded that the site contains an active badger sett adjacent to the southern site boundary and other signs of badger activity. It is recommended that a watching brief of the whole site is undertaken by an experienced badger expert should permission be granted. The area surrounding the active sett particularly should be protected from plant, materials and demolition.

The Advisory Panel for Conservation Areas (APCA) has objected on the grounds of overdevelopment of the site with an excessive number of units and footprint,

along with an unsympathetic design. The location of houses on the currently open western edge of the site is harmful to the Green Belt and the open nature of the setting of the Listed Building, along with views into and out of the conservation area. APCA would support a well-designed reduced scheme on the site of the existing buildings that are proposed to be demolished. The proposal is contrary to Policies BE1, BE8, BE13 and the Supplementary Planning Guidance for the Conservation Area.

Planning Considerations

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

H1 Housing Supply
H2 Affordable Housing
H3 Affordable Housing
H7 Housing Density And Design
H12 Conversion of Non-Residential Buildings To Residential Use
T1 Transport Demand
T2 Assessment Of Transport Effects
T3 Parking
T5 Access For People With Restricted Mobility
T6 Pedestrians
T7 Cyclists
T18 Road Safety
BE1 Design of New Development
BE4 The Public Realm
BE7 Railings, Boundary Walls And Other Means Of Enclosure
BE8 Statutory Listed Buildings
BE9 Demolition Of A Listed Building
BE11 Conservation Areas
BE12 Demolition In Conservation Areas
BE14 Trees In Conservation Areas
BE16 Ancient Monuments And Archaeology
NE2 Development And Nature Conservation Sites
NE3 Nature Conservation And Development
NE5 Protected Species
NE7 Development and Trees
NE8 Conservation And Management Of Trees And Woodlands
NE12 Landscape Quality And Character
G6 Land Adjoining Green Belt Or Metropolitan Open Land
G8 Urban Open Space
EMP3 Office Development

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

- Affordable Housing Supplementary Planning Document
- Planning Obligations Supplementary Planning Document

- Supplementary Planning Guidance for the Bromley, Hayes And Keston Commons Conservation Area

In strategic terms the most relevant London Plan policies are:

- 2.8 Outer London: Transport
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality And Design Of Housing Developments
- 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
- 5.7 Renewable Energy
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 6.1 Integrating Transport And Development
- 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
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- 7.4 Local Character
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- 7.8 Heritage Assets And Archaeology
- 7.9 Heritage-Led Regeneration
- 7.13 Safety, Security And Resilience To Emergency
- 7.18 Protecting Local Open Space And Addressing Local Deficiency
- 7.19 Biodiversity And Access To Nature
- 7.21 Trees And Woodlands
- 8.2 Planning Obligations

The National Planning Policy Framework 2012 is also relevant.

With regard to trees, the Council's Tree Officer has stated that the proposal will bring built development closer to a group of trees to the south and east of the site that will interfere with root protection areas and create a post-development pressure for further works that might damage the health and long-term health of these tree. Details of a lighting scheme in order to assess the impact on bats would also be useful

From a heritage perspective, it is considered that the proposal to convert the Listed Building would be acceptable subject to conditions. The Gate House would mirror a similar structure that was present at the site in the 19th Century, and this would be a sufficient distance from the Listed Building to prevent harm to its setting. The

houses on the driveway are considered to impact detrimentally on the setting of the main building, despite the retention of the original driveway. These two houses would be constructed in a position that does not contain substantial development at present. The Mews houses are considered an enhancement of the Listed Building and would provide a small separation to it. The houses to the west of the site would harm the setting of the Listed Building and would suburbanise a currently open area of the site. The development would also impact harmfully on the character and appearance of this part of the conservation area, which comprises a highly landscaped and secluded site that acts as an important rural link between the Green Belt and the residential development to the north.

Planning History

Outline planning permission was granted under ref. 84/01473 for demolition of existing single storey buildings and erection of 3 storey extension for offices to the Listed Building. Details of this permission were subsequently permitted under ref. 85/01792.

Planning permission was granted under ref. 86/03178 for a first floor front extension to the Listed Building.

Planning permission was refused under ref. 89/00674 for a detached two bedroom bungalow and detached garage for use by security warden to the north of the site. The refusal grounds related to the harm caused to the rural character of the Urban Open Space along with the impact on the setting of the Listed Building. The application was subsequently dismissed at appeal with the Inspector considering the building appropriate within the Urban Open Space in this case but concluding that it would harm the setting of the Listed Building.

Planning permission was granted under ref. 95/02047 for a single storey extension to the Listed Building and alterations to fire escape staircase Block A.

Planning permission was granted under ref. 02/01570 for a detached single storey storage building.

Other recent planning history relates to air conditioning units on roof and louvred enclosures to conceal air handling units of the roof of Block D.

Conclusions

The main issues to be considered are:

- the loss of office accommodation
- the density and quality of the housing proposed
- the acceptability of residential development within the Urban Open Space and its impact on the Urban Open Space
- affordable housing provision
- the impact on the setting and character of the Statutory Listed Building
- the impact on the character of the Bromley, Hayes And Keston Commons Conservation Area,

- the impact on the adjoining Green Belt
- the impact on trees
- the impact on ecology and protected species
- the impact on the amenities of neighbouring residential properties
- the impact on highway safety and parking

Loss of office space

The site has been used as an office (Class B1(a)) for a significant period of time and has been occupied by the Unite trade union since the mid-20th Century. Policy EMP3 states that change of use from office to other uses will be permitted where it can be demonstrated that there is no local shortage of office floorspace, there is evidence of long term vacancy despite marketing of the premises, and there is no likely loss of employment resulting from the proposal. This policy is in accordance with Paragraph 22 of the NPPF which states planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

Policy EMP5 states that the redevelopment of business sites or premises outside of the Designated Business Areas will be permitted provided that it can be demonstrated the size, configuration, access arrangements or other characteristics make it unsuitable for uses B-Use Classes and full and proper marketing confirms the unsuitability and financial non-viability of the site or premises for those uses.

The site is currently largely vacated, with a small area used by the current occupier. Unite vacated the site in 2011 and the applicant has submitted marketing information dating back to this time. The marketing report demonstrates that in this period there were no prospective occupiers expressing an interest in the site for its continued office use. The report concludes that the demand for office accommodation in this area is weak, particularly due to its inaccessibility and nearby Bromley Town Centre, which is a more desirable office location due to its transport links. The condition of the site, layout and surrounding land uses also do not lend the site to office use in the modern climate. Hayes is not a historically strong office location, and the running costs of operating a business use for the building are considered impractical. The report concludes that the loss of Hayes Court as an office building should have no detrimental effect on the local business community nor hamper future employment prospects within the immediate or surrounding area. The Council concurs with the findings, and the fact that the site is largely vacant and isolated from other business sites means that the loss of the office use would not impact on local employment in the Hayes area. It is considered that a lack of local demand has been adequately demonstrated and the low amount of office space in Hayes and lack of prospective occupiers through long-term marketing means that the loss of the site would not create a local shortage of local office space.

Density and quality of housing

Concerning the proposed density of the development, it is proposed to provide a low-density scheme due to the Urban Open Space designation of the site. Policy 3.4 of the London Plan provides residential density ranges for residential schemes. Further guidance is provided within the Mayor's Housing SPG (2012). The scheme provides a density of development that is lower than the figure given within this guidance. The site has a PTAL rating of 1 and the London Plan density matrix suggests 35-75 units per hectare. The scheme proposes 9 units per hectare however it is important to assess all qualitative factors when considering the acceptability of residential density. In this case, the applicant argues that the designation of the site within Urban Open Space, along with the site containing an important setting of a Statutory Listed Building, would render a higher residential density wholly inappropriate. In light of the local context and low level of accessibility to public transport, the applicant argues that the density of development proposed is appropriate for the site.

London Plan Policy 3.8 states that residential developments should provide a range of housing types. Policy 3.5 states that housing developments should be of the highest quality in context with their surroundings, with Policy H7 of the UDP stating that developments should be designed to a high quality as well as recognising and complementing the qualities of the surrounding area. The proposal will provide a mix of 1 bed flats, two bed flats and larger family dwellings. This is considered to be a good mix of accommodation that would be supported by the local and strategic housing objectives.

London Plan Policy 3.3 sets out minimum space standards and the units would all provide a suitable internal layout in this regard. Most of the detached residential development will be sited a significant distance from neighbouring dwellings and the family homes proposed will all be provided with suitable private amenity spaces. All of the houses will be provided with a greater area of private amenity space than the minimum requirement. The constraints of converting the Listed Building means that no private amenity areas can be provided for the future occupants. However they will have easy access to a large amenity area to the front and rear of the Listed Building. In general, it is considered that the amenity spaces in and around the site are suitable to provide future occupants with suitable recreational and open space.

Impact on the Urban Open Space

The site lies within Urban Open Space and the Council will seek to resist development that would have a harmful impact on the visual amenities and openness of the area. Policy G8 of the UDP states:

'Proposals for built development in areas defined on the Proposals Map as Urban Open Space (UOS), will be permitted only under the following circumstances:

- i) the development is related to the existing use (in this context, neither residential nor indoor sports development will normally be regarded as being related to the existing use); or
- (ii) the development is small scale and supports the outdoor recreational uses or children's play facilities on the site; or
- (iii) any replacement buildings do not exceed the site coverage of the existing development on the site.'

It is important that development does not unduly impair the inherent open nature of the site. Policy G8 of the UDP provides three scenarios where development will be permitted within Urban Open Space, none of which include residential development specifically.

The proposed development does not fall within any of these scenarios, but does attempt to address clause (iii) which advises that any replacement buildings should not exceed the site coverage of existing development on the site. However, para 8.36 makes clear that criteria (iii) only applies where existing school or sports buildings have become redundant or no longer meet the standards of facilities expected by users and therefore the proposal is contrary to Policy G8.

The Council's emerging Local Plan proposes to retain an Urban Open Space policy for the purposes of protecting the Borough's existing open spaces, which are considered to contribute positively to the character of the Borough. With the exception of school extensions, this policy will reflect the current wording of UDP Policy G8.

Policy G8 does not provide a mechanism for residential development to be constructed on UOS land, however it is considered that a limited amount may be acceptable in principle due to the desire to renovate the listed building and regenerate the site. The site coverage of buildings on the site will increase by around 48%, with a built volume increase of 37%. This remains a significant increase and would not accord with the requirements of Policy G8 for the scale, siting and size of the proposal should not unduly impair the open nature of the site.

In this case the proposal would increase the amount of built development on the site significantly, and spread the envelope of development over a wider area of the site which is currently open, thereby suburbanising the site and impairing its openness. The proposal will introduce detached two storey dwellings to the west and north of the Listed Building. Although the development of the part of the site that currently accommodates the wings to the main building may be considered sympathetic, the remainder of the proposal will provide two storey development on areas of the site that are currently undeveloped or that are developed with modest single storey outbuildings. In this case, the increase in the amount of built development along with the spreading of built development across the wider site is considered to be disproportionate and excessive, harming the open character and visual amenities of the Urban Open Space.

Affordable housing provision

The scheme originally made no provision for affordable housing. Following an independent review of the Financial Viability Assessment provided by the applicant, a figure of £275,000 is offered as a payment in-lieu for the provision of affordable housing off-site. The Council's Strategic Housing Manager is satisfied that the figure is suitable, given the viability and constraints of the site.

Impact on the Statutory Listed Building

The proposal seeks to renovate the main Listed Building, converting it to form 8 flats, whilst removing the two existing wings of the building, which are later additions. In principle, it is considered that the renovation of the Listed Building would be welcomed, securing the long-term future of the building. The renovation would significantly improve the external appearance of the building, with a limited space around the building created by the removal of the two wings, which are at odds with the architecture of the main building. The scheme allows for a large amount of landscaping around the building and would create a new glazed entrance and link to the front elevation. It is considered that the Listed Building works, subject to conditions, would enhance and preserve the heritage asset.

Despite the historical additions to the main building, Hayes Court retains a largely open and secluded area to the west and north of the site, with generally undeveloped grounds. Concerns have been raised by English Heritage that the development of two storey dwellings to the north and west of the Listed Building would be considered harmful to its setting. The layout would sprawl the built development across a larger area of the site and would create a suburban effect within the setting of the Listed Building. It is also considered that the views of the open grounds from the Listed Building itself would be harmed by the presence of this development.

However, it is considered that the two dwellings to the north of the Listed Building will block views to the Listed Building from this approach road to some degree. The main view of the Listed Building will not be clearly apparent until visitors have fully entered the site. However that is true of the present situation at the site. The provision of two storey development in this location would, however, contribute to the general impact on the open setting of the Listed Building as there has historically been no substantial development on this part of the site other than the existing collection of small single storey outbuildings. Although the increases in landscaping and reduction in hardstanding are also considered positive steps, the proposal would suburbanise the setting of the Listed Building and would constitute 'less than substantial harm' as per Paragraph 134 of the NPPF. It is not considered that the harm would be outweighed by the public benefit of the proposal. Although securing a future viable use of the asset is considered a public benefit under Para 134, in this case the impact on its inherent open setting would not be considered to outweigh this and would therefore not constitute the optimal use given the constraints of the site.

It is considered that the provision of a significant amount of development within the grounds of Hayes Court in the manner proposed cannot be considered to preserve

the setting of the Listed Building. On balance, the scheme offers benefits for the future viability of the site and the future of the Listed Building itself. However a key part of the historical and architectural importance of this heritage asset lies with the high quality and character of its setting. It is therefore considered that the importance of retaining the open nature of the setting is vital and its irreversible loss would not be outweighed by these public benefits.

Impact on the Conservation Area

The site lies within the Bromley, Hayes And Keston Commons Conservation Area. The Supplementary Planning Guidance (SPG) for this conservation area states:

'4.28 The northern parts of West Common Road are partially lined with inter war and post war suburban development. However, the southern reaches are undeveloped common land and between the two lies Hayes Court. Built in the 1760s, enlarged in the 1790s and reduced in size in the mid 20th century, it is a large rendered house with slated roof and timber sliding sash windows. It is Grade II on the Statutory Listed and was the home of the Lord Chief Justice of England, Sir Vicary Gibbs. Modern extensions of indifferent quality abut its east side, although the main elevations of the house look out into mature landscaped grounds with a sweeping tree-lined drive. To the north of Hayes Court, Hayes Grove Cottage (which is Statutory Listed) and 106 West Common Road ('Redgate Cottage') are included as good examples of local traditional buildings.'

The SPG identifies the significance of the landscape context, and states that importance is given to the rural ambience, landscape qualities and trees within the conservation area. The listed building sits comfortably in a landscaped setting and long views of the principal façade occur across lawns from the north. The overall amount of development, including development to the west of Hayes Court, is considered to detract from the landscape setting of the Conservation Area, and neither preserves nor enhances the special character and appearance of the site. The site provides a gateway to the conservation area at its southern point, with residential development only to the north of it. The suburbanisation of the site in the manner proposed would detract from the character of the conservation area.

Impact on the adjoining Green Belt

The site is surrounded to the west, south and east by Green Belt land, however the site itself falls outside of this designation. The site itself may be considered a buffer between the built development to the north and the Green Belt land surrounding it due to the preponderance of mature trees and vegetation which acts as a buffer between the Green Belt and the site. The development would therefore not encroach significantly on the views to and from the adjoining Green Belt land to the south, west and east and would retain a suitable separation from it. On balance therefore it is considered that the development would not impact harmfully on the visual amenities and openness of the adjoining Green Belt land.

Impact on trees

The Tree Officer has stated that the proposal will bring built development closer to a group of trees to the south and west of the site that will interfere with root protection areas and create a post-development pressure for further works that might damage the health and long-term health of these trees. It is considered that the proposal would result in a potential for the future decline of these trees.

Impact on ecology and protected species

The application is accompanied by a preliminary ecological study. This states that the site supports a semi-natural habitat, with deciduous woodland surrounding the site. The development of the existing lawn areas and hardstanding is therefore considered to have a limited impact on nature conservation, with the natural areas of the site largely retained. Within the structures on the site, evidence of bird roosting has been observed, however obvious bat roosts have not been discovered, and no hibernating bats found (as the survey took place during winter). The buildings do not appear to provide many openings and crevices that would be suitable for bat roosting, with one area of potential within the main building and other smaller crevices with some potential. It is recommended that a bat survey be carried out in the summer months to check for bat roosting in the main building during active periods, in line with the best practice guidelines. In light of the other concerns regarding the acceptability of the scheme, summer surveys have not been requested from the developer and these can be provided with the submission of any future application.

The submitted survey highlights some mature trees on the site that may be suitable for bat roosting, and these are not indicated to be felled as part of the development. There are several vegetative parts of the perimeter of the site that are suitable for bird nest sites and these will also be protected where possible. With regard to protected species, the West Kent Badger Group has surveyed the site and found an active sett and other signs of activity, and have recommended a watching brief should permission be granted.

In view of the above, it cannot be concluded that the scheme is acceptable from an ecology point of view, without the submission of further information.

The site is surrounded to the west, south and east by a Site of Interest for Nature Conservation (SINC). The proposal retains a buffer area to this neighbouring land and it is considered that in line with Policy NE2, the development would not significantly affect the nature conservation interest and value of this neighbouring land.

Impact on the amenities of neighbouring residential properties

The proposed development is considered to have a limited impact on the amenities of neighbouring residential properties in terms of prospect, sunlight and daylighting. The proposed 'gate house' dwelling is located approximately 16m from Number 110 West Common Road, although it will be well separated from it and screened

by existing trees and vegetation. All other new dwellings are located to the southern end of the site and are unlikely to impact on the amenities of dwellings in West Common Road, which are a considerable distance away.

Impact on highways and car parking

The application has been accompanied by a Transport Statement that indicates that the proposed use of the site would generate a number of daily trips that would be a marked reduction from the previous office use. The site has a PTAL rating of 1; therefore it has a low accessibility to public transport. The application proposal provides two private car parking spaces and space for visitors within the curtilage of each house. The shared parking area provides two parking spaces per apartment plus two visitor spaces. The supporting information states that this level of parking on site is necessary to support the development as parking along West Common Road is difficult. On this basis it is considered that the scheme is acceptable in terms of car parking provision.

In terms of highway safety, the applicant has provided information to demonstrate the safe manoeuvring of larger vehicles within and around the site and the parking/road safety aspects of the scheme are acceptable.

The Council's Right Of Way Officer has stated that as the development appears to be gated, the permeability for the public from West Common Road to the land to the west of the site would be of limited public benefit, although this would be an attractive arrangement for future residents.

Summary

Having regard to the above it is considered that the proposal is unacceptable in that it would result in a detrimental impact on the open nature of the Urban Open Space by suburbanising the existing semi-rural nature of the site.

The proposal would impact harmfully on the setting of the Statutory Listed Building by harming the high quality environment of the site and affecting views within the site.

The scheme would impact detrimentally on the character and appearance of this part of the conservation area by eroding the landscaped and rural character of the site.

The proposal would be likely to impact on the future health of protected species in the absence of sufficient information to demonstrate otherwise

The proposal would result in a potential for post-development pressure on the group of trees to the south and east of the site that would impact on the future health of these trees.

It is therefore recommended that Members refuse planning permission.

Background papers referred to during the production of this report comprise all correspondence on file ref: 13/04054 and 13/04055, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

1. The proposed development, by reason of the scale and excessive site coverage, would result in an overdevelopment of this semi-rural site, leading to the inappropriate suburbanisation of the site and a harmful impact on the open character and visual amenities of the Urban Open Space, contrary to Policies BE1 and G8 of the Unitary Development Plan.
2. The proposed detached dwellings, by reason of their number, design and siting, would erode the open nature of the site, resulting in a detrimental impact on the character and setting of the Statutory Listed Building, contrary to Policies BE1, BE8 and G8 of the Unitary Development Plan and the guidance within the National Planning Policy Framework.
3. The proposal would fail to preserve or enhance this part of the Bromley, Hayes And Keston Commons Conservation Area by reason of the erosion of the openness and landscaped setting of the site which is considered to contribute positively to the character and appearance of the conservation area, contrary to Policy BE11 of the Unitary Development Plan and the guidance in the Supplementary Planning Guidance for the conservation area.
4. In the absence of sufficient information to demonstrate otherwise, the proposal has the potential to impact harmfully on the ecological interest of the site and the future wellbeing of protected species, contrary to Policy NE5 of the Unitary development Plan.
5. The proposal would bring built development into closer proximity to the group of off-site trees to the south and east of the site and would result in post-development pressure for further works to the trees that may impact on their long-term health, thereby contrary to Policy NE7 of the Unitary Development Plan.

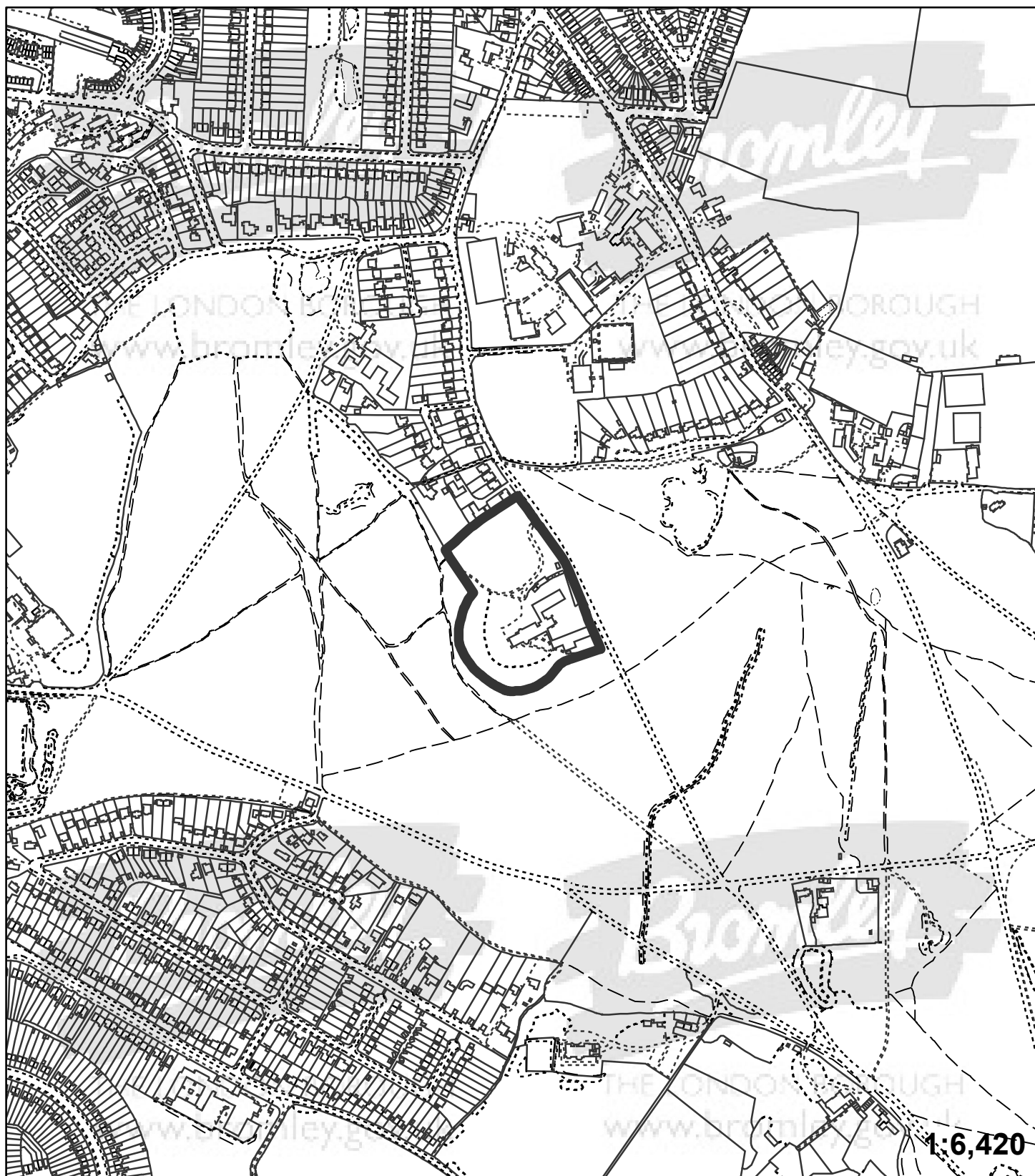
INFORMATIVE(S)

1 RDI25

Application:13/04054/FULL1

Address: Hayes Court West Common Road Hayes Bromley BR2 7AU

Proposal: Part demolition of Hayes Court (Grade II listed) and detached outbuildings on site. Change of use and restoration of part of Hayes Court to accommodate 8 apartments (1 one bedroom and 7 two bedroom) and erection of 16 detached and mews style houses (1 x three bedroom, 8 x



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

Application No : 13/04055/LBC

Ward:
Hayes And Coney Hall

Address : Hayes Court West Common Road
Hayes Bromley BR2 7AU

OS Grid Ref: E: 540502 N: 165373

Applicant : London Square

Objections : YES

Description of Development:

Part demolition of Hayes Court and detached outbuildings at site
LISTED BUILDING CONSENT

Key designations:

Conservation Area: Bromley Hayes And Keston Commons
Areas of Archeological Significance
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Urban Open Space

Proposal

The proposal seeks Listed Building Consent for the partial demolition of Hayes Court and the associated outbuildings. The application is accompanied by a full planning application under ref. 13/04054 for the conversion of the Listed Building and the redevelopment of the site.

As part of the renovation and conversion of the Listed Building, several internal walls are proposed to be removed. The external treatments proposed comprise of the repair and renovation of the original features along with the provision of a new entrance to the north elevation with glazed link.

A full planning application (ref. 13/04054) accompanies the application on this agenda.

Location

Hayes Court is sited on the western side of West Common Road. The site falls within the Bromley, Hayes And Keston Commons Conservation Area and is designated Urban Open Space. The site is surrounded to the west, east and south by Green Belt woodland.

The site comprises a Grade II Statutory Listed Building that has been extended to the east to provide two wings. The building is currently under office (Class B1) use

and sits within a large, attractive plot served by two access driveways. The site currently has a large amount of hardstanding around the building and also possesses a group of small detached outbuildings to the north of the Listed Building.

Consultations

Comments from local residents

Nearby owners/occupiers were notified of the application and no representations were received.

The Hayes Village Association has objected on the grounds that the proposal would over-develop the site. The buildings would also be of a design that would not be simple and would impact on the character of the original building. The four detached buildings to the west of the site would introduce a dominant and suburban arrangement that would be out of character. The demolition of the later additions, along with the restoration of the listed building are supported.

Comments from consultees

English Heritage has stated that the Council is authorised to determine the Listed Building Consent application how it sees fit. English Heritage expresses no views on the merits of the proposal.

Planning Considerations

The application falls to be determined in accordance with S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of listed buildings. The impact of the proposal on openness of the area of Urban Open Space must also be considered. The following policies of the Unitary Development Plan are further considerations:

BE1 Design of New Development
BE8 Statutory Listed Buildings

The National Planning Policy Framework

London Plan Policy 7.8 Heritage Assets And Archaeology

Planning History

There is no recent and relevant planning history at the site.

Conclusions

The main issue relating to this application is the effect that the proposal would have on the character and setting of the Statutory Listed Building.

The proposal seeks to remove the later additions to the building which are not considered to have any particular architectural merit. The outbuildings are likewise not considered to contribute positively to the setting of the Listed Building. The building is at present in need of renovation and the proposal would repair and improve the external surfaces of the building. The removal of the two wings would accentuate the main original building and would aid in restoring it to a focal point of the site. The internal alterations, comprising the removal of several internal walls to facilitate the conversion of the building, would not harm the structural integrity of the building and would not impact harmfully on its historical and architectural importance.

The application for Listed Building Consent is, however, accompanied by a full planning application (ref. 13/04054) for the conversion of the Listed Building into flats with other development in the grounds of the Listed Building. This corresponding planning application is considered unacceptable and therefore it is considered premature to grant Listed Building Consent without a suitable corresponding planning permission.

Having had regard to the above is recommended that Members refuse Listed Building Consent.

Background papers referred to during production of this report comprise all correspondence on file ref(s). 13/04054 and 13/04055, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

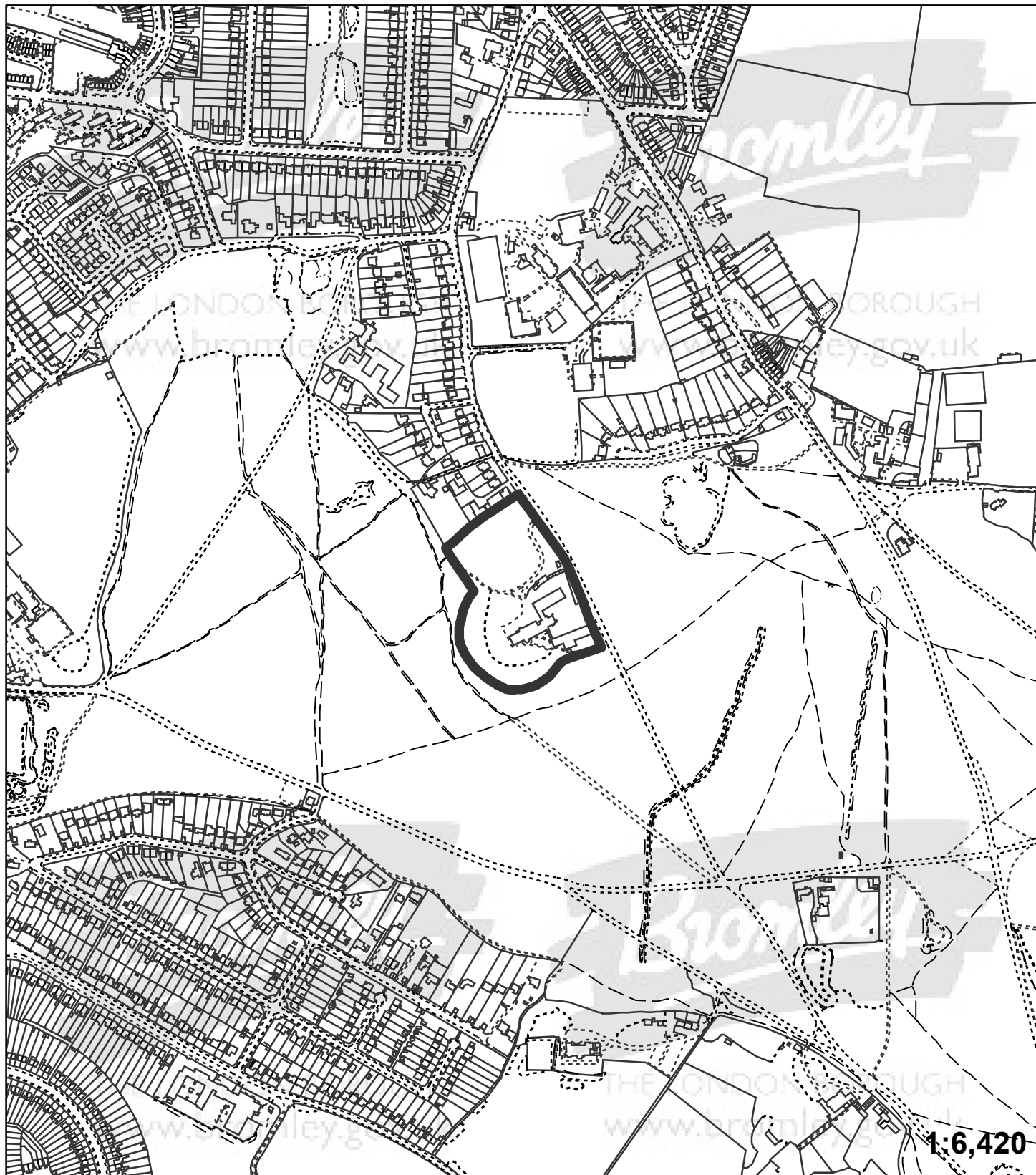
- 1 In the absence of a suitable planning permission for the conversion of the Listed Building, it would be premature to grant consent for the Listed Building works, thereby contrary to Policy BE8 of the Unitary Development Plan.

Application:13/04055/LBC

Address: Hayes Court West Common Road Hayes Bromley BR2 7AU

Proposal: Part demolition of Hayes Court and detached outbuildings at site

LISTED BUILDING CONSENT



"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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Report No.
DRR14/046

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: **Development Control Committee**

Date: **10th April 2014**

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

Title: **SHOPFRONT DESIGN GUIDANCE**

Contact Officer: Kevin Munnelly, Head of Renewal
Tel: 020 8313 4582 E-mail: kevin.munnelly@bromley.gov.uk

Chief Officer: Jim Kehoe Chief Planner
jim.kehoe@bromley.gov.uk

Ward: All

1. Reason for report

- 1.1 A draft Shopfront Design Guide for Chislehurst High Street has been produced by the Chislehurst Town Team, supported by the Chislehurst Society. It has been produced with the aim of providing a framework for existing and new owners to deliver a sensitive approach to shop front design and signage and protecting buildings from insensitive change over time. The Town Team are seeking that the guidance be adopted by the Council either in its current form or as part of a wider Borough Wide shopfront design guidance note. It is proposed that the current shofront design guide is used as the basis of a consultation on the production of a borough wide Shopfront Design Guide.
-

2. **RECOMMENDATION(S)**

- 2.1 Members are requested to note the content of the Chislehurst High Street Shopfront Design Guide, and authorise this to be used as a basis for consultation on a borough wide Shopfront Design Guide to be produced by the Council as part of the current Local Plan review.

Corporate Policy

1. Policy Status: Existing policy. Local Plan
 2. BBB Priority: Vibrant Thriving Town Centres.
-

Financial

1. Cost of proposal: Estimated cost £5,000
 2. Ongoing costs: Non-recurring cost.
 3. Budget head/performance centre: Renewal - Other hired services
 4. Total current budget for this head: £21k
 5. Source of funding: Existing revenue budget for 2014/15
-

Staff

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

Legal

1. Legal Requirement: Non-statutory - Government guidance.
 2. Call-in: Call-in is applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All town Centres
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 The shopfront design guide was produced by the Chislehurst Town Team who made extensive use of similar documents in other boroughs and the Bromley North Village Shopfront Design Guide which was produced by the Council's Heritage team using funds allocated to Bromley North Village by the Mayor of London's Outer London Fund.
- 3.2 The Chislehurst Town Team is a Town Centre partnership made up of volunteers who are traders, businesses, landlords, local charities, interest groups, and residents in Chislehurst.
- 3.2 It is proposed that the Chislehurst Town Team undertake a consultation based on this document with a view that the findings will be used to inform a borough wide Shopfront Design Guide.
- 3.3 It is proposed that the resultant Borough wide design guide should be adopted as Supplementary Planning Document, although its exact status will be subject to further examination by the DCC as part of the Local Plan review.

4. POLICY IMPLICATIONS

- 4.1 It is proposed the any Borough wide shopfront design guidance should be adopted as a Supplementary Planning Document. This document would support the strategic objectives of the Local Plan. There are currently two adopted SPG's covering General Design Principles and Residential Design Guidance.

5. FINANCIAL IMPLICATIONS

- 5.1 Based on costs associated with the production of the Bromley North Village Shopfront design guide it is estimated that a borough wide production would cost £5,000 (inclusive of design and printing), which would be funded from the Renewal 2014/15 hired services budget.

6. PERSONNEL IMPLICATIONS

- 6.1 Since the deletion of one of the Conservation officer posts there has only been one Conservation officer to provide conservation and heritage advice. This additional work will need to be programmed into Renewal Team's work programme.

Non-Applicable Sections:	Legal Implications
Background Documents: (Access via Contact Officer)	Chislehurst Shopfront Design Guidance – Draft March 2014

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Chislehurst High Street

Shop Fronts - design guide

DRAFT 26th March 2014



Chislehurst High Street Shop Front Design Guide

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- 1.0 Introduction
- 2.0 Planning Applications
- 3.0 Shop Front features
- 4.0 The benefits of good design
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- 6.0 Creating well-proportioned frontages
- 7.0 Maintaining Rhythm
- 8.0 Shop front modelling
- 9.0 Fascias and Signage
- 10.0 Using appropriate materials
- 11.0 Cornices, corbels, pilasters and stall risers
- 12.0 Using appropriate colours
- 13.0 Canopies and Blinds
- 14.0 Projecting and Hanging Signs
- 15.0 Lighting
- 16.0 Illuminated Display Windows
- 17.0 Corporate Identities
- 18.0 Street Numbering
- 19.0 Security Features
- 20.0 Accessibility
- 21.0 Display of Goods and Advertising Boards
- 22.0 Hanging Baskets, Window Boxes and Tubs
- Appendix: Bromley Planning Policies

Shop front design principles for Chislehurst High Street

1.0 Introduction

- 1.1 Chislehurst has the setting and the amenity to become one of London's most outstanding destination High Streets. Essential to that aim is the need for well designed, high quality and attractive shop fronts that add to the visual amenity of Chislehurst High Street. The intention is to promote attractive shop fronts, sympathetic to the architectural structures in which they are located and yet creating a favourable first impression of a business.
- 1.2 This design guide has been jointly produced by the Chislehurst Town Team and by Bromley Council. It provides a framework for delivering a sensitive approach to shop front design and signage and protecting buildings from insensitive change over time.
- 1.3 This document is intended as guidance for those:
 - wishing to alter or install a new shop front
 - seeking to replace or erect signs, canopies or security features on a shop
 - whose current shop fronts fall short of the standards in this document
 - wishing to display goods in front of their shop
- 1.4 This document was adopted by Bromley Council as a Supplementary Planning document on dd/mth 2014. It sets out design principles which establish good practice for shop fronts in Chislehurst High Street.
- 1.5 These guidelines apply to all commercial and retail uses on the High Street. Using this document and engaging in early discussion with the Council will help to ensure the most successful shop front outcomes.
- 1.6 The Chislehurst Town Team and Bromley Council encourage the retention of historic and original shopfronts. They require a high standard of appearance of all shop fronts and associated awnings, roller shutter grilles, signs and lighting. Shop fronts must always respect the upper part of the building and relate well to adjoining frontages. The design can be either traditional or modern but basic principles of scale and quality materials should be employed.

2.0 Planning Applications

- 2.1 Planning applications are required for all new shop fronts, or alterations to existing shop fronts that materially affect the external appearance of a building.
- 2.2 New shop fronts, projecting signs, lighting or external shutters will require Planning Permission and new lettering may require Advertisement Consent. If the shop is a Statutory Listed Building you may also require Listed Building Consent. We therefore advise that you contact the Heritage Team at the Council if you are considering carrying out work. Telephone 020 8461 7532.
- 2.3 All illuminated signs or fascias, and many other non-illuminated signs and advertisements, require Advertisement Consent.
- 2.4 The Planning Department can give advice to applicants on what needs permission.
- 2.5 Applicants are strongly recommended to use the Council's pre-application service.
- 2.6 All designs should adhere to Building Regulations to ensure they are in line with space, design and accessibility standards, and should seek to required permission to be authorised.
- 2.7 It is important to remember that where the proposed alteration or addition contravenes policy, guidance or regulations, Bromley Council may refuse the application and the work to the shop front will not be allowed.

3.0 Shop front features

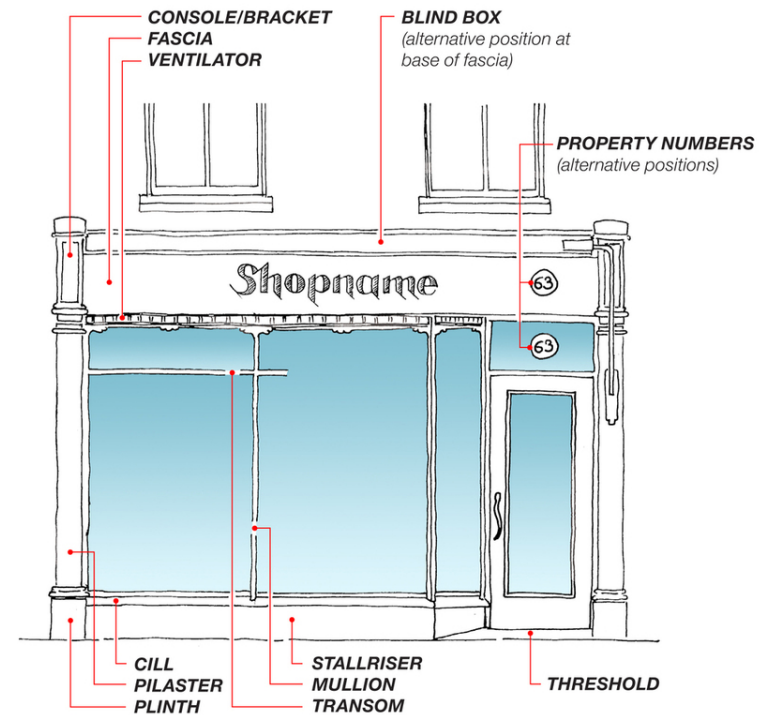
3.1 The adjacent diagram illustrates the key components of a shop front.

4.0 The benefits of good design

4.1 Whilst the principle purpose of a shop front is the advertisement and display of the goods and services provided inside the building, good design promotes not only the individual shop but contributes to its location, raising the quality of the High Street, or lowering it if good design is not employed.

4.2 Key issues for good design in Chislehurst High Street are:

- the design should not be considered in isolation but as a part of the overall composition of the building and the wider look and street scene of the High Street
- the design should reflect and respect the history of the surroundings and the local area
- the materials should be in keeping with the host building
- the proportions of the shop front should harmonise with the main and adjoining buildings
- standard 'house' design should be integrated sensitively to reflect the characteristics of the street scene or building
- there should be good accessibility for clients/customers.



5.0 Retention of original features

- 5.1 The retention of architectural features of merit can help integrate a new shop front into a building. The shop front should not be considered as merely an insertion into the building.
- 5.2 Where a traditional or historic shop front exists, Bromley Council will insist on its retention by means of appropriate repair or restyling. Where traditional features remain, opportunity should be taken to restore them.
- 5.3 Traditional features may have been removed from many shops, whilst others are concealed by more recent alterations. Where original features no longer exist, it may be desirable to reinstate them or replace them with similar features. Any disfiguring later additions should be removed, damage repaired and features reinstated with materials which are the same as, or match, the original.
- 5.4 Existing Victorian or Edwardian pilasters, consoles and fascias should remain undisturbed, or be restored where they have been altered.

Good examples of keeping and restoring original features.



6.0 Creating well-proportioned frontages

- 6.1 Elements such as doors, fascias and windows should be in proportion with both the building it belongs to (so that it forms an integral part of the elevation rather than an isolated element on the ground floor) and the general street scene. This can be achieved by taking into account the scale and architectural style of the building and by echoing the arrangement of the windows, columns and areas of walling on the upper floors and neighbouring buildings.
- 6.2 In small scale buildings the shopfront should also be small. The depth and height of the fascia, the size of the display windows, and the proportions of the various detailing, should all be modest.
- 6.3 In larger buildings the shopfront can be correspondingly larger but it should still be in proportion to the building. If large windows are necessary but otherwise out of scale, their impact can be reduced by subdivision. This can be achieved with mullions and transoms which can also be used to help relate the shopfront to architectural features on the upper floor.



Examples of well- proportioned frontages

7.0 Maintaining Rhythm

- 7.1 A shop front extending across several buildings, especially where the fascia is continuous, often spoils the vertical rhythm of narrow frontages. This can be avoided by subdividing it into separate shop fronts - one to each building.
- 7.2 If buildings differ in size or architecture, then varied designs are more likely to be appropriate, and variation in the height of fascia will maintain the vertical rhythm of the buildings

7.3 If the buildings are more or less the same size and architectural style, then it may be acceptable for each shopfront to be the same design but shop front design principles should be applied to ensure the line of shops look attractive.



Examples of shop front principles not being applied to a line of shops giving a disjointed street scene.

8.0 Shopfront Modelling

8.1 Unrelieved flat-fronted shopfronts can deaden streetscapes. In contrast, inset doors, bold architectural features and intricate detailing, as shown below, can provide three-dimensional modelling and visual interest both to the shop and the street.



9.0 Fascias and Signage

9.1 Fascias form the dominant feature of the shop front. The fascia is key to promoting a business's service and is usually the first feature a customer will take notice of. Therefore it is critical that acceptable materials for fascias are used and incorporated into the wider design of the shop front.



- 9.2 The fascia should
- be of a scale proportionate to the rest of the building (as a general rule fascias look well-proportioned if they are no deeper than about a fifth of the shopfront's overall height)
 - protrude from the building further than a depth of 0.15m to 0.25m
 - respect adjoining shop fronts
 - not extend below the bottom of the corbel or uninterrupted across a number of buildings
 - not obscure windows and architectural detailing
 - align with other fascias in the parade



- 9.3 Box fascias should be avoided as they are unsympathetic to their surroundings in terms of bulk, size, materials and lighting with the box fascia.
- 9.4 Internally illuminated box signs are not appropriate
- 9.5 Owners should consider traditional approaches such as hand painted or applied lettering to signage. Such approaches are often more cost effective than factory-made signage.
- 9.6 Wording should be succinct as too much lettering can create confusion and appear untidy.
- 9.7 The relevant guidance and regulations should be checked to find out if advertisement consent is required for signage.

10. Using appropriate materials

- 10.1 The type of material used in a shop front is an important element of the overall design and should take into account the character of the building.
- 10.2 Designs should not employ a large number of different materials or use materials that could clash with adjoining premises or the general street scene.
- 10.3 Natural aluminium, acrylics and other shiny artificial materials are generally out of place on older buildings and inappropriate for Chislehurst High Street conservation area. Preference should be given to materials that have an affinity with existing buildings and the local area. Traditional materials of good quality, such as wood, stone, brick, tiles and metalwork can offer a wide variety of profiles, textures and finishes, which maintain their appearance better than many modern materials. Timber gives greater scope for interesting moulding than aluminium.



11. Cornices, Corbels, Pilasters and Stall risers

- 11.1 These should always form part of a traditional shop front design. Existing ones should be retained and where a historic one is missing it should be reinstated.
- 11.2 A cornice may incorporate a trough light where the projection is sufficient but this should be sited well below any upper floor window cills.
- 11.3 Where pilasters form part of a new design they should incorporate a base plinth and a corbel/console bracket.
- 11.4 Stallrisers should provide a solid visual base to the shop front and visually balance the fascia and cornice.



12.0 Using appropriate colours

- 12.1 Muted or neutral colours will avoid a clash with colour schemes of the individual shops. Harsh and gaudy colours draw undue attention to themselves and should be avoided. The High Street is within the Chislehurst Conservation area so dark or pale colours, or white, which were traditionally used on shop fronts, are required. Painting should aim to unify a shop front, not split it up into disparate elements, and is best achieved with a single colour or a limited palette of complementary colours.
- 12.2 If the consoles and pilasters are painted, they should be all the same colour scheme if possible, to maintain the continuity of the parade.

13.0 Canopies and Blinds

- 13.1 Victorian-style retractable canvas canopies have been enjoying a revival and can give shelter to shoppers in addition to enlivening the street scene. Care should be taken, however, to avoid obscuring architectural details, excessive amount of advertising, garish colours or reflective materials such as acrylic. Solid canopies and Dutch canopies are best avoided. Victorian style canopies are fitted above the fascia and have side supporting brackets. Roller blinds should always be retractable and the blind box should be an integral part of the shopfront rather than an added-on extra.
- 13.2 All canopies should be at least 2.4m above the footpath once fully extended, but should not be fixed to the building any higher than ground floor level. Non-retractable canopies are not permitted



A good example of the appropriate scale of lettering and fascia for a shop front, as well as use of a blind.

13.3 Planning Permission is required for some canopies and blinds so the Planning Department should be consulted before installation.

13.4 Highway regulations require the outer edge of lowered blinds to be set back at least 1m from the kerb and the outer and inner ends of the supporting arms respectively not less than 2.14 and 2.3m above the pavement. Side flaps should be avoided as they can obstruct pedestrians.

14.0 Projecting and Hanging Signs

14.1 Hanging signs are a traditional feature of shops which can add vitality to the streetscape. On traditional shopfronts and old buildings, timber or cast metal signs are particularly appropriate, but individually crafted elegant modern designs, using other materials, are not precluded.

14.2 Projecting signs should not be overly large in relation to the rest of the shopfront and should be placed ideally at fascia level. As a general rule only one sign will be allowed per shop and its area should be no more than 0.75m squared. The position of the bottom of the sign must be at least 2.6m above the pavement, and the outer edge at least 1m in from the kerb.



Example of an attractive hanging sign

- 14.3 Heavy box type signs with internal illumination are not suitable for Chislehurst High Street. Light hanging signs with a minimum of lettering are preferable.
- 14.4 Large-scale detailed drawings of proposed signs at a scale of 1:5 will be required with Advertisement Applications, clearly showing the construction, lettering and graphic design.

15.0 Lighting

- 15.1 Too often, illuminated signs are bulky or poorly designed or sited, adding unwelcome clutter to shop fronts. If a new shop is to be illuminated therefore, the choice and location of fittings should be considered from the outset so that they form an integral part of the design rather than ending up as later ad hoc additions. Over illumination must also be avoided because it can upset the balance of light with other premises and with street lighting.
- 15.2 Given Chislehurst High Street's conservation area status, early consultation with the Planning Department is strongly advised.
- 15.3 Fascia illumination should be subtle – like that in the restaurant pictured. External lighting, backlit lettering, individual halo letters and cold cathode tubes can all be considered. Nonetheless the type and design of lighting need to be appropriate to the shopfront, the building and the location. External fascia light sources should be concealed as much as possible and should be carefully directed at the signs, to avoid glare onto the pavement below or into the windows of upper floor residences.



16.0 Illuminated Display Windows

- 16.1 The impact that attractively lit window displays can have on trade and on the vitality and sense of security of shopping streets at night should not be forgotten. Traders are encouraged to keep their premises lit well into the evenings. Carefully illuminated displays, using spotlights rather than bare fluorescent tubes, generally have the most impact.
- 16.2 Although internal display lighting is not subject to planning control, it should be noted that illuminated signs within a metre of a shop window do require 'Advertisement Consent' from the Planning Authority.



17.0 Corporate Identities

17.1 Chain stores and restaurants etc. need to respect existing buildings and streetscapes so that local distinctiveness is maintained. Consequently the use of standardised corporate shop fronts in Chislehurst conservation area is no longer acceptable and shop fronts of such companies may need to be substantially moderated. Compromises are often possible which enable a corporate image to be maintained, as shown below, without being at the expense of local character.



18.0 Street Numbering

18.1 The street number is a legal requirement for shops and ought to be clearly displayed somewhere on the shopfront. It could be included on the fascia but fanlights, pilasters and consoles are common alternative positions.

19.0 Security features

19.1 Whilst it is recognised that security is an important consideration, security features, if not well designed can give a negative appearance of the High Street. Security measures should have a minimal impact on the street scene.



19.2 Planning permission will not normally be granted for solid roller shutters.

19.3 Toughened security glass is recommended as the most appropriate material for window security. Internally fitted grills or mesh shutters are more suitable where toughened glass is not appropriate.

19.4 Burglar alarms and telecom junction boxes should not conceal architectural features or be located in over-conspicuous positions, and the associated wiring should be neatly fixed, or better still, hidden. They may need consent when they are to be located on a listed building.

20.0 Accessibility

20.1 Shops should be welcoming and accessible for all customers, including people with disabilities, parents with children in prams and buggies, and elderly, less agile people. The following features should therefore be considered:-

- Entrances should comply with Part M of the Buildings Regulations which sets out statutory access requirements.
- Steps and raised thresholds should be avoided.
- Ramps should have gentle gradients - shallower than 1:20 if possible but no steeper than 1:12.
- If possible there should also be a level area immediately in front of entrance doors and a space of 300mm alongside the leading edge of the door to make it easier for a person in a wheelchair to get close to the door handle.
- Surfaces should be free of irregularities and be non-slip.
- The use of mat wells should be avoided as they can be barriers to the less ambulant and are potential trip hazards. Flush fitting barrier matting is preferable.

20.2 In listed and other old buildings these standards should be taken into account as far as practical, but they should be commensurate with preserving the building's character and setting.

21.0 Display of goods and advertising boards

- 21.1 The display of goods outside a shop must be well arranged and appropriate. A licence must be sought from the Council's Licencing Team to display goods on the public highway in front of a shop
- 22.2 Free standing advertisement signs on the public footway in front of a shop are only acceptable when a clear 1.2 metre footpath is still available to pedestrians.

22.0 Hanging Baskets, Window Boxes and Tubs

- 22.2 These should be carefully designed and sited to avoid obscuring or damaging architectural features or causing an obstruction.



Appendix - Bromley Planning Policies

If you are submitting a planning application for a new shopfront several policies may apply.

Policy BE19 Shopfronts

Policy BE20 Security Shutters

Policy BE21 Advertisements, Hoardings and Signs

The Chislehurst Supplementary Planning Guidance also provides useful information.

Shop entrances should be fully DDA compliant.

RNIB Building Sights.

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Report No.
DRR14/045

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

Date: **Thursday 10 April 2014**

Decision Type: Non Urgent Non-Executive Non-Key

Title: **AUTHORITY MONITORING REPORT 2012/13**

Contact Officer: Mary Manuel, Head of Strategic Policy
Email: mary.manuel@bromley.gov.uk
Louisa Bruce, Planner
Email: louisa.bruce@bromley.gov.uk

Chief Officer: Chief Planner: Jim Kehoe

Ward: (All Wards);

1. Reason for report

- 1.1 This report seeks the Committee's agreement to Appendix 1 forming the Council's Authority Monitoring Report for 2012/13. Appendix 1 meets the requirement of the Localism Act 2011, section 13, for all Local Authorities under section 13 to produce an Authorities Monitoring Report (AMR). The AMR should set out the progress in the implementation of the Local Development Scheme, the progress and effectiveness of the Local Plan and the extent to which the policies set out in the Local Plan are being achieved.
- 1.2 This replaces the previous requirement placed on the Council under the Planning and Compulsory Purchase Act 2004 to produce an Annual Monitoring Report for submission to the Department and Local Government by 31st December each year.

2. **RECOMMENDATION**

- 2.1 That the Committee: Consider Appendix 1 in light of the Council's duty under the Localism Act 2011 and agree it as the Council's AMR for 2012/13.

Corporate Policy

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

Financial

1. Cost of proposal: N/A:
 2. Ongoing costs: Recurring Cost
 3. Budget head/performance centre: Planning Division
 4. Total current budget for this head: £ N/A
 5. Source of funding: Existing Revenue Budget
-

Staff

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

Legal

1. Legal Requirement: Localism Act 2011 & The Planning and Compulsory Purchase Act 2004
 2. Call-in: Call-in is not applicable.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 For 2012-2013 the Authority Monitoring Report (AMR) is based on a similar template to previous years but focused on indicators considered relevant to Bromley in light of the greater flexibilities introduced by the changes to national planning legislation, which came into force on the 15th January 2012, which removed the need for conformity with the previously mandatory national indicators for planning policy annual monitoring.
- 3.2 The legislation requires the Council to prepare and publish monitoring reports, analysing how planning document preparation work has progressed against the published timetables and the effects that the implementation of policies may be having on the locality. Monitoring is essential in assessing whether existing planning policies are achieving their objectives and to review the progress on the preparation of new planning documents e.g. The Local Plan.
- 3.3 This report contains data on a range of indicators identified by the Council as outlined in relevant sections of the document. These indicators are intended to measure the effectiveness of the Council's planning policies in achieving sustainable development. This means meeting the development needs of the borough whilst achieving a sustainable economy, safeguarding environmental assets, addressing community needs, ensuring accessibility and addressing climate change.
- 3.4 The AMR covers the period April 2012 to the end of March 2013. The annual reports are usually brought to DCC in the following winter, however, this year the report was delayed due to the preparation of the Local Plan 'draft policies and designations'. The intention is to bring the 2013/14 AMR to the Committee in the Autumn. This 2013/14 report will include the monitoring of the Government's increased flexibilities in the planning system and greater permitted development rights, for example, allowing a change of use from office to residential use.

4. POLICY IMPLICATIONS

- 4.1 The AMR monitors progress against policies saved in the UDP and DPD for Bromley. There are key elements in progressing Bromley 2020 in particular our valued environment and vibrant and thriving Town Centres and an Excellent Council.

Non-Applicable Sections:	Legal, Personnel and Financial Implications
Background Documents: (Access via Contact Officer)	The Localism Act 2011; The Planning & Compulsory Purchase Act 2004; Local Development Framework Monitoring: A Good Practice Guide, March 2005 (ODPM); Regional Spatial Strategy and Local Development Framework Core Output Indicators – Update 2/2008; Report to Development Control Committee, 1st December 2009

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LONDON BOROUGH OF BROMLEY

LOCAL DEVELOPMENT FRAMEWORK

AUTHORITY MONITORING REPORT
1ST APRIL 2012 – 31ST MARCH 2013

MARCH 2014



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1.0 Introduction

- 1.1 Under the Planning and Compulsory Purchase Act (2004) every local planning authority has a responsibility for reporting the extent to which the policies set out in local development plans are being achieved. To this end, Bromley Council has produced an AMR every year since 2006.
- 1.2 The Localism Act 2011 (and Town and Country Planning Regulations 2012) removes the requirement for local planning authorities to produce an Annual Monitoring Report for the Department of Communities and Local Government (CLG). However, the Act retains the overall duty to monitor the implementation of the Local Development Scheme and the extent to which the policies set out in the Local Development Documents are being achieved. For this reason the Council will continue to publish an AMR at least annually but subsequent versions will take on a slightly different form. The Localism Act gives more flexibility as to when and how often an AMR is prepared. The Council will now be able to choose which targets and indicators to include in the report. The Council may issue updated AMR information from time to time.

Background

- 1.3 This is the ninth Local Development Framework Annual Monitoring Report which has been renamed and is now called the Local plan - Authority Monitoring Report (AMR).
- 1.4 The requirement for a local authority to produce an Authority Monitoring Report is set out in Section 113 of the Localism Act 2011. The Act requires every authority to produce a series of reports containing information on the implementation of the Local Development Scheme, the progress and effectiveness of the Local Plan and the extent to which the planning policies set out in the Local Plan documents are being achieved.
- 1.5 Significant changes have occurred within the planning system over the past monitoring year, with the replacement of Planning Policy Statements and Guidance with the National Planning Policy Framework (NPPF) . Previously the Government has announced the withdrawal of a number of pieces of guidance, including the requirement for monitoring of Core Output Indicators, as of 30th March 2011. Further changes to monitoring guidance are contained within the 2012 Local Planning Regulations.
- 1.6 This AMR covers the period 1st April 2012 to 31st March 2013.

Bromley Profile

- 1.7 Bromley makes up one of the 33 London Boroughs and is the largest geographically. With a population of just over 306,000 in 2011 and an area of 64sq miles, Bromley has the fourth highest population amongst the London Boroughs.

- 1.8 The Borough occupies a strategic position in the South East of the Capital and South East with rail connections to Central London and easy access to the M25 and National Rail Network and major South East airports.
- 1.9 Bromley is a distinctive part of London’s suburbs that is closely connected to London’s economy and itself has one of the largest borough economies south of the Thames. Open countryside, protected by the Green Belt that encircles London, makes up over half the Borough. The areas of Green Belt in the Borough has many characteristics in common with the rural parts of Kent and Surrey.

Bromley’s Population

Population 1991 (Census)	294,723
Population 2001 (Census)	295,532
Population 2011 (Census)	306,361

Bromley’s Local Plan

- 1.10 The term Local Plan has been introduced by the National Planning Policy Framework (NPPF) and the Local Planning Regulations 2012. A Local Plan is a document that contains policies on the development and use of land, the allocations of sites for a particular type of use and development management and site allocations policies.
- 1.11 The London Borough of Bromley is in the process of replacing the saved policies from its adopted Unitary Development Plan (2006) with a new Local Plan, incorporating Bromley Town Centre Area Action Plan (AAP) and Supplementary Planning Documents (SPD’s).

2.0 Report Highlights

2.1 The highlights of the report are set out in two key sections, progress in the plan making progress outlined in the Local Development Scheme and the monitoring results from the saved policies within Bromley's UDP and other core indicators.

2.2 Key aspects of the Local Development Scheme:

- Bromley Town Centre Area Action Plan (adopted October 2010) continues its implementation. A development programme document for the delivery of the projects continues to be regularly updated.
- A substantial programme of public consultation took place in March 2013 on the 'Options and Preferred Strategy' and February 2014 'Draft Policies and Designations' as part of the preparation of the new Local Plan scheduled for adoption in 2015.

2.3 Key findings of the Policy Progress Section:

- There is a continuing loss of employment land to other uses (-3,300m²). The loss of employment land will require careful consideration and need to be set against a healthy supply of housing land.
- The number of vacant units in the Borough's main town centres have remained largely unchanged.
- The number of homes built in the period 2012-2013 was 627 units which exceeded the previous London Plan figure of 500 units.

3.0 Development Plan Production

- 3.1 The Council prepared a LDS in 2009 as required by Government, illustrating how the preparation of the development plan documents would be managed.
- 3.2 The Council keeps under review the plan making process and timescales. The Government's recent planning reforms included a move from Local Development Framework's to Local Plans. In linking with this Bromley has moved from a Core Strategy as the central element of the LDF to the preparation of a Local Plan.
- 3.3 Updates on the timescales for the Local Plan have been made available on the Council's website outlining the LDS. The LDS has been updated in October 2013, outside of the formal monitoring period for this AMR.

Progress since April 2012

- 3.4 During 2012/13 further evidence supporting the preparation of the Local Plan was produced including the Affordable Housing Viability Assessment & the Draft Infrastructure Delivery Plan. LDFAP and DCC have received regular reports in the Local Plan Preparation with the Executive agreeing the consultation on the Options and Preferred Strategy in February 2013. Subsequently, the responses to the Options and Preferred Strategy have been analysed, reported and further work led to consultation on the Draft Policy and Designations in Feb/March 2014. The detail of the consultation will be updated in the 2013/14 AMR.

Bromley Town Centre Area Action Plan

- 3.5 In accordance with the adopted Bromley Town Centre Area Action Plan the Council's Town Centre Development Programme has progressed towards the delivery of the various specified opportunity sites.
- 3.6 Site K (St Mark's Square) is due for completion by Autumn 2015, while the Bromley North Village Improvement programme is expected to be implemented by November 2014. The Council is also currently working with a preferred development partner Muse, to agree a viable scheme proposal and partnering arrangements that will deliver the Council's objectives for Site G (Churchill Palace). This work should be completed by the end of March 2014. Contracts were exchanged with the Cathedral Group in December 2013 for Site C (The Old Town Hall) and a planning application will be submitted with the aim of opening a hotel and conference centre in the Spring of 2016.

Summary of performance indicators

- 3.7 The following tables summarise the core and local indicators which have been assessed in terms of their policy performance during the period 2012-13.

Indicator	
Business development and town centre COIs	
BD1	Total amount of employment floorspace on previously developed land by type
BD2	Floorspace on previously developed land
BD3	Employment land available by type
H1	Plan period housing targets
H4	Gypsy & Traveller pitches
H5	Gross affordable housing completions
E1	Number of planning permissions granted contrary to Environment Agency advice on flooding and water quality grounds
E3	Renewable energy generation
W1	Capacity of new waste management facilities by waste planning authority
W2	Amount of municipal waste arising and managed by waste planning authority

Local indicators

Local Policy Objective 1:	Vacancy rates in town centres
Local Policy Objective 2:	Number of A1 uses in Primary Frontages
Local Policy Objective 3:	To encourage energy efficiency and promote environmentally acceptable energy generation and use.
Local Policy Objective 4:	Number of applications safeguarding or achieving the provision of services/facilities for the community

4.0 Business Development & Town Centres

- 4.1 This section of the AMR reports on indicators in relation to employment land, retail and town centres.
- 4.2 The Borough's main employment centres are Bromley Town Centre, Orpington, Beckenham, Penge, Petts Wood and West Wickham. The main Business Areas are located within St.Mary Cray, Lower Sydenham, Elmers End and Biggin Hill.
- 4.3 Bromley Town Centre is the main location for the Borough's office-based businesses.

Indicator	Core BD1: Total amount of additional floorspace – by type
Current Position	B1(c)/B2 = -3,300m ²

Indicator	Core BD2: Total amount of employment floorspace on previously developed land by type
Target	100%
Progress/Target met	100%

Indicator	Core BD3: Employment land supply by type
Current Position	Total land designated Business use = 902,818.6 sqm (land allocated with the UDP as Business Area).

- 4.4 There has been no change in the total land allocated as Business Use.
- 4.5 Bromley Town Centre and its surroundings are by far the largest centre of employment in the Borough. There are nearly 26,000 jobs based in the area, about a quarter of all jobs in the Borough. Orpington is also a significant employment and secondary office location and the Borough's second largest retail centre.
- 4.6 The Borough's Town Centres continue to be important to attracting a wide range of residents and visitors for shopping, cinema, theatre and restaurants. Bromley Metropolitan town centre remains the Borough's main shopping destination and also enjoys a healthy evening economy with people visiting the Theatre, Pavilion (for leisure purposes), restaurants and bars.
- 4.7 Orpington functions as a strong and vibrant Major centre, offering a good range of shopping, leisure and public amenities. In September 2012 planning

permission was granted for the demolition of Crown House and erection of a 7 screen (950 seat) cinema, 3 x restaurants and 4 x retail units in the Walnuts Shopping Centre. The new owner is seeking to implement a comprehensive improvement programme for the Walnuts Shopping Centre which will see Crown Buildings redeveloped for additional retail floor-space and a cinema. Authority has been obtained to sell the Council's freehold interest in an area adjoining Crown Buildings which is required for the scheme. The Crown Buildings have been demolished and the developer is currently progressing negotiations for the pre-letting of the new units.

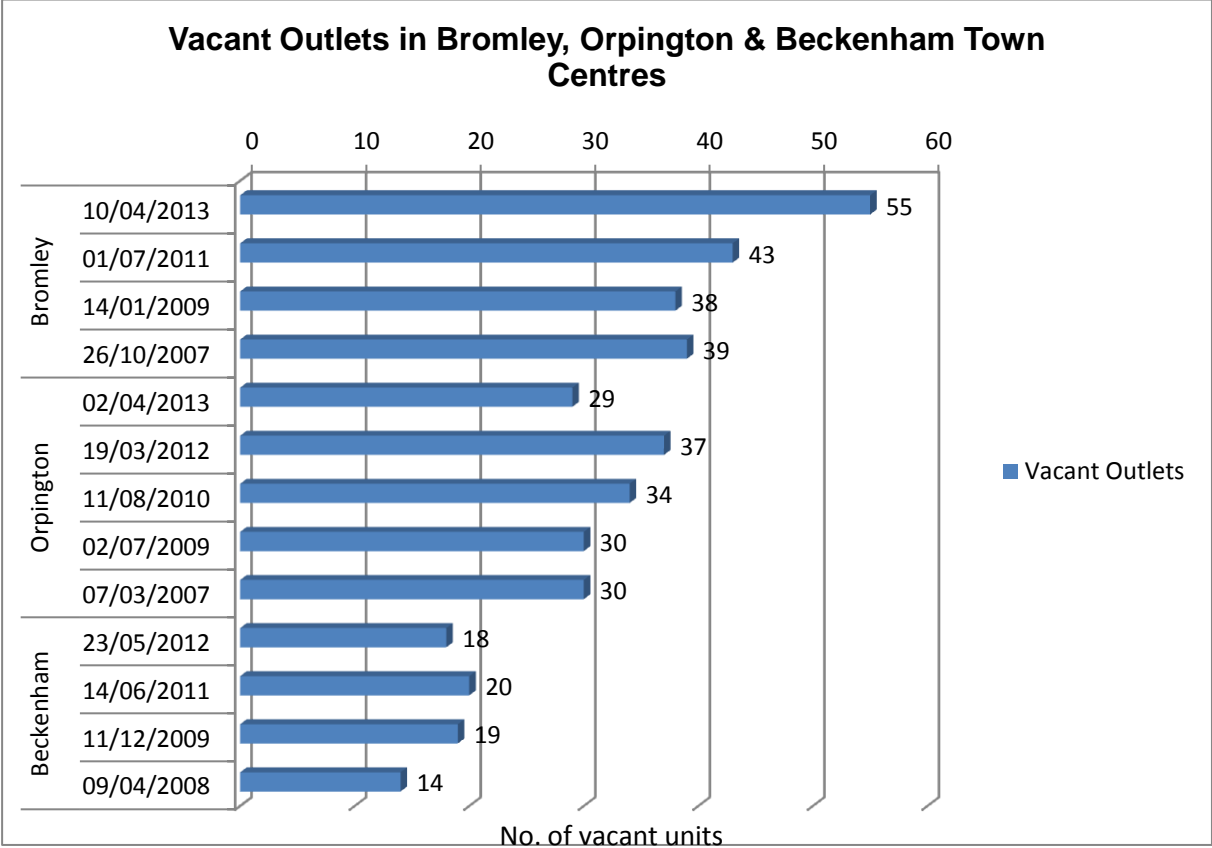
- 4.8 Beckenham is the biggest of the five District Centres having a mixture of shops, restaurants, supermarkets, night-club and bars. The London Plan also identifies Beckenham has having a strong evening economy.

Retail Hierarchy

Centres	Retail Hierarchy
Bromley	Metropolitan Centre
Orpington	Major Town Centre
Beckenham Penge Petts Wood West Wickham	District Centres
Biggin Hill Chislehurst Hayes Locksbottom Mottingham	Local Centres

- 4.9 A network of smaller Local Centres and Neighbourhood Parades primarily offer convenience and 'top up' shopping and services to their localities.
- 4.10 Bromley produces a Survey of Shop Frontages every four years. The last publication covered the period July 2010-2011. The next publication is due to take place in 2014 and thereafter be produced on an annual basis. Summary tables and pie charts detail the percentages of retail and non-retail uses for each of the 73 local centres.

Vacant shop premises



Source: GOAD

- 4.11 The Goad centre reports show all three centres are still performing robustly in terms of vacant outlets compared to the national average.
- 4.12 The Borough’s Town Centre Managers own recording of vacant units (which measures vacant upper as well as lower units). The data for Bromley Town Centre shows an increase in the number of vacant units since 2011, however, the rebranding of The Glades shopping centre in summer 2013 has shown investment in the centre has brought about new retailers including The White Company & the Apple store.
- 4.13 The table below shows recent trends in footfall in Bromley, Orpington and Beckenham town centres. Pedestrian flows “footfall” are key indicators of the vitality of town centres. The Council carries out footfall counts every December.

**Town Centre Data
Bromley - December**

Year	Footfall - December*
2007-08	167,464
2008-09	214,338
2009-10	216,450
2010-11	198,624
2011-12	204,750
2012-13	198,852

*Bromley Footfall is a calculation of a Saturday & Sunday footfall combined

- 4.14 Another reason for the continued steady number of people in Bromley Town Centre is the transfer of the Charter market which moved from Bromley North to the High Street in July 2012.

**Town Centre Data
Orpington - December**

Year	Footfall - December
2007-08	48,435
2008-09	60,984
2009-10	39,336
2010-11	24,084
2011-2012	33,084
2012-2013	42,468

*Orpington Footfall for the period 2010-11 is considerably lower than the previous yr because of adverse weather conditions (i.e snow) on the day counting took place

**Town Centre Data
Beckenham - December**

Year	Footfall - December
2007-08	25,260
2008-09	18,966
2009-10	26,304
2010-11	No data
2011-12	22,746
2012-13	25,158

- 4.15 In all three town centres footfall has risen slightly which shows visitors are continuing to support the high street in what are challenging times for high streets nationally. Going forward more sophisticated data will make pedestrian data more readily available in Bromley with automatic people counters, which have been installed at Marks & Spencer and Primark. It is envisaged that more recent data will be released within the next 6 months.
- 4.16 The data below measures the degree to which Class A1 uses predominate in the busiest parts of the Borough’s town centres and use data from the latest GOAD maps.

A1 (shop) uses in core (primary) frontages

Percentage of A1 (retail use) in Bromley Town Centre Primary Retail Frontages (High St only)	
Target:	Retain over 50% of A1 units in primary retail frontage
Current Position:	72.63 % of units in core frontages A1 use

Percentage of A1 (retail use) in Orpington Town Centre	
Target:	Retain over 50% of A1 units in primary retail frontage
Current Position:	67.47 % of units in core frontages A1 use

Percentage of A1 (retail use) in Beckenham Town Centre	
Target	Retain over 50% of A1 units in primary retail frontage
Current Position:	73.83 % of units in core frontages A1 use

- 4.17 The above figures show that Bromley, Orpington & Beckenham retained over 50% of shops A1 use class within primary retail frontages.

5.0 HOUSING

5.1 The 2011 London Plan sets an annual monitoring target of 500 units per annum for the period 2011/12-2020/21.

Indicator	Core H1: Plan period and housing targets
Target	500 units per annum 2011/12-2021/22 = 500 units (London Plan 2011).
Progress/Target met	627 net units completed in 2012/13

Five year supply position

5.2 The Council's five year housing supply paper was updated by the Council in June 2013. The paper was based on the current London Plan period of 2011/12 – 2021/22 to which the annual housing completion target of 500 units relates. An estimate for 2012/13 completions of 500 units was included in the paper. Actual net completions have exceeded this estimate by 127 units. In comparison 547 units were completed in 2011/12 and 672 units in 2010/11.

5.3 During the five year supply period of 2013/14 – 2017/18 the Council's five year housing supply paper (June 2013) showed that the Borough needs to deliver 2471 units. The NPPF requires boroughs to demonstrate an additional 5% buffer in their five year supply documents that would increase the figure from 2471 to 2594 units. The Paper showed that there are over 2700 deliverable units in the pipeline and concluded that Bromley is able to meet its five year supply target.

5.4 The Council's five year supply paper is updated on an annual basis and represents the most current position on housing supply for the Borough.

5.5 The total number of dwellings completed as affordable housing in the year 2012/13 was 161 units, this compares with 213 units in 2011/12 and 224 units in 2010/11.

Indicator	Core H4: Net additional pitches (Gypsy and Traveller)
Target	The London Plan (2011) does not set borough targets, but requires in Policy 3.8 that local authorities ensure that the accommodation requirements of gypsies and travellers (including travelling show people) are identified and addressed in line with national policy, in co-ordination with neighbouring boroughs and districts as appropriate.
Progress/Target met	<ul style="list-style-type: none"> • The Council commenced work on an assessment of local need (as required by the Government's Planning Policy for Traveller Sites, with a view to consultation through the Local Plan process). • The Planning Inspectorate upheld the Council's decision to refuse a retrospective planning application July 2011 in Cudham Lane (Archie's Stables)

6.0 The Natural Environment

Indicator	Core E1 – Number of planning permissions granted contrary to Environment Agency advice on flooding and water quality grounds
Current Position	None

Indicator	Local Policy Objective 2: To encourage energy efficiency and promote environmentally acceptable energy generation and use
Current Position	All major applications are required to include details of how the proposed development will meet or preferably exceed building regulations

Indicator	Core E3 – Renewable energy generation
Current Position	A reduction in CO2 emissions of 20% from (on-site) renewable energy is expected from all major developments unless it is proven not to be feasible

Indicator	Core W1 – Capacity of new waste management facilities by waste planning authority
Current Position	No new facilities have been granted or completed within the reporting period

Indicator	Core W2: Amount of municipal waste arising and managed by type by waste planning authority
Current Position	<p><u>2012-2013 figures</u></p> <p>Total municipal waste = 139,360 Household waste = 121,146 Landfill= 34,540 Incineration (waste to energy) 44,469 Dry recycling = 36,415 Composting = 24,154 Inert waste = 600.26 Recycling rate = 50%</p>

- 6.1 In terms of core indicator W1, there were no changes in capacity made to the two Civic Amenity sites (Churchfields Road, Penge and Waldo Road, Bromley). The London Plan (2008) consolidated with alterations since 2004 has set a target of (Policy 4A.21) for London to be 85% self sufficient in dealing with its waste by 2020 and the tonnage allocations required by each borough to reflect this. All boroughs are required to set aside sufficient land to manage this waste. In Bromley, existing waste management sites will be safeguarded through the LDF process, with future provision being dealt with on a sub-regional basis.

7.0 Built Environment

- 7.1 During 2012-2013, 526 applications were considered within conservation areas and 41 applications were received for listed building consents.
- 7.2 The Council's Advisory Panel for Conservation Areas (APCA) met on 12 occasions and considered approximately 240 applications. A total of 815 address points are listed on the statutory list with 2155 address points listed on the local list.
- 7.3 Just over 9000 hectares of the Borough is Green Belt or Metropolitan Open Land. It is estimated that there is about 4 hectares of publicly accessible open space per 1000 population.
- 7.4 288 applications were submitted in 2012/13 in respect of Green Belt, Metropolitan Open Land and Urban Open Space. All of the applications related to householder extensions, certificates of lawful development, advertisement and change of use applications.
- 7.5 Bromley is well served in terms of playing fields and outdoor recreation facilities. An audit of playing pitches and open spaces (2003) confirmed that the Borough has a total of 488 pitches of which 293 (60%) are secured for community use. At that time, the ratio of adult pitches per 1000 adults has 1:735, which was above that of all other London Boroughs and above the estimated national average of 1:989 people. Based on the situation at that time, the audit indicated that the Borough had a playing field standard of 0.9ha per 1000 population.
- 7.6 The Government announced on 24 January 2013 that regulations would be introduced in the spring of 2013 to amend Permitted development rights to allow a change from office to residential use without the need for planning permission. Between June 2013 and March 2014 the Council has received 45 prior approval applications for change of use from office to residential. This will be analysed in further detail in the 2013/2014 AMR.

8.0 Community Facilities

- 8.1 79 applications relating community facilities were on determined for a range of development proposals in 70 community facility locations. Of these 18 applications were refused. All but 5 of the 30 less complex applications (amendments, variations of conditions, listed buildings consents, tree preservation orders, demolition consents and a certificate of lawfulness) were permitted, consented or allowed.
- 8.2 A further 6 applications were submitted but subsequently withdrawn and 10 pre application cases were addressed.
- 8.3 Trends in respect of the more significant applications are set out below. Although there were fewer applications relating to community facilities during the period, than in the previous year, the continuing pressure for school expansions bucks that trend.

Education

- 8.4 Of the 85 applications lodged, over half, 45, relate to school provision and five relate to day nurseries. These proposals reflect the population trends which continue to impact on early years and the primary school sector, and which became apparent in the previous AMR. They also reflect a response to the changes in secondary provision resulting from the increase in the school leaving age.
- 8.5 Significant developments include additional new teaching space at Raglan Primary, Green Street Green Primary, Pickhurst Junior and expansion in the secondary sector at The Ravensbourne School, Darrick Wood Secondary School and Ravens Wood School as well the provision or retention of temporary classrooms on a further 5 school sites.
- 8.6 Four school applications were refused and whilst two proposals relating to trees and signage were dismissed the other two which enhanced facilities sports pitches at Bishop Justus school and the retention of workshop buildings at The Ravensbourne School were allowed on appeal.
- 8.7 A number of pre application cases (3) and withdrawn applications (3) related to expansions of teaching space on six school sites and point to future developments which may come forward to address pressures within the system.

Health

- 8.8 Applications were received and refused and dismissed at appeal for enhancements to facilities at two GP surgeries.

Older Persons Accommodation and Care

- 8.9 An application for the extension of a nursing home was refused then subsequently allowed on appeal, and a proposal for 50 sheltered apartments was refused on parking grounds and also subsequently allowed on appeal.

Sports and Recreation

- 8.10 In addition to the enhancement of pitches allowed at Bishop Justus mentioned above a further 12 applications were determined relating to sports facilities. Whilst the majority did not increase the capacity of the facilities, relating to trees, signage, telecoms etc) the applications included the enlargement of the pavilion and new changing facilities at Park Langley Sports and Social Club and the provision of temporary facilities at Beaverwood Lodge Sports and Leisure Club whilst the previously permitted redevelopment of the site is undertaken.
- 8.11 The remodelling and enhancement of a Golf Course and facilities were dismissed and subsequently allowed on appeal
- 8.12 An appeal was allowed for the conversion of a redundant snooker club to flats. The appeal did not relate to the loss of facilities.

Places of Worship

- 8.13 Four applications and two pre-application cases related to the sites of places of worship. The enlargement of the burial ground at St Martin of Tours, Chelsfield was permitted whilst a proposal for a memorial wall at a church in Farnborough was withdrawn. Additionally a previously refused cemetery was dismissed at appeal.
- 8.14 A former place of worship was granted a certificate of lawfulness for use as a day nursery, (the same use class) and a pre-application case for a mixed use redevelopment (including D1) illustrates a continuing trend for cross subsidising the enhancement of facilities through residential development.

Public Conveniences

- 8.15 Further to the sale of a number of public conveniences applications were received and granted for the demolition of toilets at Bromley North and St Pauls Cray whilst pre application cases relating to three others were addressed.

Appendices

Annex 1 shows a list of all the S106 agreements agreed in 2012-13.

Annex 2 A list of the saved & expired policies from the Local Plan

Annex 1 – S106 agreements 2012-2013

App No.	Address	Applicant	Application	Date	Legal Agreement
03/02319	Blue Circle Sports Ground Crown Lane Bromley BR2 9PQ	Asprey Homes	Mixed use development comprising erection of new medical centre/ nursing home/ affordable housing and open market housing at a density of between 50-80 dwellings per hectare/ children's playground/ consolidation of allotments/ bus interchange/ associated public open space/ access roads and car parking (OUTLINE)	27 th February 2013	Requires the applicant to pay £250,000 to the Council as an education contribution and provides the framework for a mediation process to determine any further education contribution or refund due (£250k paid 27.02.13. Total education contribution £500k subject to reassessment if necessary) SUPPLEMENTAL AGREEMENT
12/01843	20 - 22 Main Road Biggin Hill TN16 3EB	Cedar Rydal Limited	Residential scheme consisting of 9 dwellings (8x4 bed houses and 1x3 bed house), together with associated car parking, landscaping and ancillary development.	28 th February 2013	No affordable housing and no financial contributions On the commencement of development the owner and developer will pay the Major of London Cil Payment of £38,290 UNILATERAL UNDERTAKING
11/03865	Multistorey Car Park Simpsons Road Shortlands Bromley	Cathedral (Bromley) Limited	Demolition of existing buildings and redevelopment with mixed use scheme comprising multi-screen cinema, 200 flats, 130 bedroom hotel, Class A3 units (restaurant and cafe) (Including 1 unit for flexible class A1 (retail shop) Class A3 (restaurant and cafe) or Class A4 (drinking establishment) use), basement car parking, associated access arrangements (including bus parking), public realm works and ancillary development.	8 th March 2013	To amend the definition of Affordable Housing . Replace the numbers 23 and 7 with 24 and 8 in the definition of affordable rented units also add addition wording "quoted wording". In the definition of Intermediate Housing units replace the numbers 23 and 13 with 22 and 12 in line 1. To add the definition of "Protected Tenant". To add an additional Affordable Housing clause (10.10) which clarifies existing clauses and adds 2 new clauses DEED OF VARIATION
06/00749	Ravensbourne College Of Design & Communication Walden Road Chislehurst Kent BR7 5SN	Ravensbourne College Of Design & Communication	Demolition of existing college building and students residential accommodation. Erection of Residential Development comprising 251 dwellings with amended vehicular access landscaping and open space OUTLINE APPLICATION	8 th March 2013	The application site shall be permanently subject to the restrictions and requirements of the 2006 section 106 agreements. To amend the definition of "Affordable Housing Tenure". To delete and replace clause 4.4(a) And clause 4.4(b) of the original 2006 agreement by clause 3 and 4 of the new agreement respectively DEED OF VARIATION

App No.	Address	Applicant	Application	Date	Legal Agreement
11/03616	Down House Estate Lusted Road Downe Orpington	English Heritage	Temporary overflow visitor car park for up to 50 days per year for period of 2 years	1 st August 2012	To ensure a member of English Heritage staff will be present at the access gate to the site at all times when it is in use as a public car park for visitors to Down House. Turf reinforced mesh will be laid at the positions indicated on the plan attached to the legal agreement. No cars will be allowed to park within 2 metres of the Public Footpath. The Owner will endeavour to ensure no destruction is caused to the Public Footpath by the use of the site. The Owner will ensure that any damage caused to the Public Footpath by the use of the Site will be repaired promptly and to the Council's satisfaction UNILATERAL UNDERTAKING
12/03634	2 Betts Way Penge London SE20 8TZ	Town & Country Housing Group With Stonechart Property Ltd	Demolition of existing building and erection of 4 storey building comprising 22 flats and 2 semi-detached wheelchair bungalows with 24 car parking spaces	1 st March 2013	Education contribution of £83,825.77 and health contribution of £24,871 to be paid to the Council prior to first occupation and use in the vicinity of the site. Repayment 10 years from date of payment. 35% habitable rooms to be constructed as affordable housing 5 affordable rented 3 intermediate 2 wheelchair homes designed
12/02658	Day Centre Chipperfield Road Orpington BR5 2PY	Croudace Partnerships Ltd	Demolition of the existing Leasons Centre and erection of 4 x 2 bed houses, 24 x 3 bed houses, 11 x 2 bed flats (including 2 suitable for wheelchairs) and 2 x 3 bed flats (total 41 units), together with a new vehicular access to Chipperfield Road, 76 car parking spaces, cycle parking, and associated landscaping	8 th Feb 2013	35% affordable housing units (60% rented/ 40% intermediate and 2 wheelchair units) Education contribution of £34,895.58 prior to first occupation towards pre-school education. Education contribution of £131,751.57 prior to first occupation towards primary school education. Education contribution of £116,044.42 prior to first occupation towards secondary education. Education contribution of £52,819.91 prior to first occupation towards 16+ further education. Repayment 10 years from date of receipt of contribution.

App No.	Address	Applicant	Application	Date	Legal Agreement
12/01838	47 Homesdale Road Bromley BR2 9TN	McCullochs	Change of use of existing building together with erection of an extension at rooftop level and elevational alterations to provide 14 two bed flats and 2 one bed flats, 18 car parking spaces, refuse and recycling store and cycle store	8 th Feb 2013	6 affordable units Education contribution £53,590.45 on the first occupation of the development. To be repaid 10 years after date of payment. Health contribution of £16,000.00 on the first occupation of the development. To be repaid 10 years after date of payment.
12/00304	76 High Street Orpington BR6 0JQ	Churchill Retirement Living	Three/ four storey block comprising 50 sheltered flats for the elderly including communal facilities, refuse/ recycling storage and bicycle/ electric buggy parking, with 16 car parking spaces	22 nd Jan 2013	Affordable housing contribution of £211,500 and additional amount payable on the commencement of the development. Spend within 5 years of receipt of payment. Health contribution of £44,000 to pay to the Council prior to occupation of 50% of the dwellings. Spend within 5 years of receipt of payment.
12/01935	Stephen James Bromley BMW Garage Bickley Road Bickley Bromley BR1 2NH	Mr Ben Collins	Single storey building to rear to be used as smart bay including valeting and minor vehicle repairs. (PART RETROSPECTIVE APPLICATION)	22 nd Feb 2013	The proposal granted under appeal, ref. 11/02561 will not be implemented. UNILATERAL UNDERTAKING
93/02064	Angas Convalescent Home Church Approach Cudham Sevenoaks TN14 7QF	RAVENSBORNE NHS TRUST	CHANGE OF USE OF STABLE BLOCK TO RESIDENTIAL ACCOMMODATION	12 th Sept 2012	Discharge of all obligations in the 93/02064 Section 106 agreement
12/02443 12/02913 12/02966	Holy Trinity Convent School 81 Plaistow Lane Bromley BR1 3LL	Bellway Homes (Thames Gateway)	Demolition of existing school/ convent buildings and erection of 11 detached houses and part 3/4 storey building with basement car parking comprising 22 flats, alterations to boundary wall and access from Plaistow Lane, car parking and landscaping	18 th January 2013	The PIL paid under the terms of the previous agreement shall be used to meet the Affordable housing requirements that would have arisen from this development. No further financial contribution for this purpose is required from the Owner. The Owner shall carry out the school land works on the school land prior to 1 st September 2013. No dwellings can be occupied until the owner has been made a written offer to the school to transfer the school land. No more than 90% of the dwellings to be occupied until transfer of land to school is completed, if school accept the

					<p>offer to transfer.</p> <p>The owners shall carry out the church land works (parking spaces) prior to implementing the development . No swellings to be constructed until written offer to church to transfer church land. No more than 90% dwellings to be occupied until the transfer of church land completed, if church accept the offer to transfer.</p> <p>No more than 50% of the dwellings to be constructed shall be occupied until the listed building works are substantially complete.</p> <p>The Owner will submit a scheme for the MOL to the Council prior to implementation of the development.</p> <p>The owner will submit a woodland management scheme to the Council prior to implementation of the development.</p>
11/02100	Land Rear Of 86 To 94 High Street Beckenham	London & Quadrant Housing Trust	3 four storey blocks comprising 9 one bedroom, 32 two bedroom and 3 three bedroom flats, with 37 car parking spaces, bicycle parking, landscaping and access	12th June 2012	15 affordable housing units
12/02099	Arundel Berrys Hill Berrys Green Westerham TN16 3AE	Mr Stephen Bridger	Replacement two storey dwelling	16 th October 2012	Demolition of existing buildings prior to occupation
11/03863	Ruxley Manor Garden Centre Maidstone Road Sidcup DA14 5BQ	H. Evans + Sons Limited	Change of use of part of floorspace permitted under ref. 09/01552 for retail shop use to restaurant, with elevational alterations and formation of terrace outdoor seating area.	15 th November 2012	Cease use of are hatched purple on Plan B for restaurant use and use this area for retail use only. Use area hatched green for restaurant use only.
App No.	Address	Applicant	Application	Date	Legal Agreement

App No.	Address	Applicant	Application	Date	Legal Agreement
12/01355	268 (270) Main Road Biggin Hill TN16 3JG	Ms R Taylor	Addition of first floor to form two storey dwelling house to 268 + 270 Main Road.	13 th November 2012	To submit to the Council a programme of works indicating the contemporaneous construction and completion of the extensions at numbers 268 and 270 Main Road Biggin Hill. Implement in accordance with approved programme. To be read in conjunction with 268 Main Road legal agreement.
12/01355	268 Main Road Biggin Hill TN16 3JG	Ms R Taylor	Addition of first floor to form two storey dwelling house to 268 + 270 Main Road.	13 th November 2012	To submit to the Council a programme of works indicating the contemporaneous construction and completion of the extensions at numbers 268 and 270 Main Road Biggin Hill. Implement in accordance with approved programme. To be read in conjunction with 270 Main Road legal agreement.
09/01664	Dylon International Ltd Worsley Bridge Road London SE26 5BE	Relta Limited	Mixed use redevelopment comprising basement car parking and 2 part five/ six/ seven/ eight storey blocks for use as Class B1 office accommodation (6884 sqm)/ Class A1 retail (449 sqm)/ Class A3 cafe/ restaurant (135 sqm)/ Class D1 creche (437 sqm) and 149 flats (32 one bedroom/ 78 two bedroom/ 39 three bedroom)	4 th July 2012	Affordable housing commuted sum £80,000 payable. £40,000 is due on the occupation of the 15th dwelling , £40,000 due on occupation of 112th dwelling. Pay Council's costs for traffic order within 12 months of occupation of 15th dwelling. Pay back within 5 years of it's receipt. No reference to interest from capital receipt. Deed of <u>(Discharge of UU dated 16 March 2010 and creation of replacement planning obligation dated 4th July 2012)</u>

Expired policies

H5	Accessible Housing
BE6	Environmental Improvements
NE10	Hedgerow retention
NE13	Green Corridors
EMP9	Vacant Commercial Sites and Premises
EMP10	Advice for Business
S14	Pedestrian Environment
C3	Access to Buildings for People with disabilities
ER1	Waste Management Principles
ER3	Promoting Recycling
ER4	Sustainable and Energy Efficient Development
ER5	Air Quality
ER6	Potentially Polluting Development
ER8	Noise Pollution
ER12	Controlling Development in Flood Risk Areas
ER13	Foul and Surface Water Discharge from Development
ER14	Surface and Ground Water Quality
ER15	Conservation of Water Resources

Saved policies

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
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Report No.
DRR14/031

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Thursday 10th April 2014

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

Title: COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATION
2014; UPDATE AND IMPACTS

Contact Officer: Terri Holding, Planning Officer
Tel: 020 8313 4344 E-mail: terri.holding@bromley.gov.uk

Chief Officer: Jim Kehoe, Chief Planner

Ward: (All Wards);

1. Reason for report

To update Members on the latest changes to the Community Infrastructure Levy (CIL) Regulation which came into effect on 24th February 2014.

2. **RECOMMENDATION(S)**

Members note the report.

Corporate Policy

1. Policy Status: Statutory
 2. BBB Priority: Excellent Council
-

Financial

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

Staff

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

Legal

1. Legal Requirement: Statutory Requirement Planning Act 2008, Community Infrastructure Levy England and Wales (Amendment) Regulation 2014
 2. Call-in: Not Applicable:
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

Background

3.1 The Community Infrastructure Levy (CIL) is a tool for local authorities to help deliver infrastructure to support the development of the area. Local Authorities have been able to introduce a CIL since 2010, however there has followed a series of amendments to the regulation and the latest of these came into force on 24th February 2014.

3.2 The Council has been responsible for collecting the Mayor's CIL on qualifying development, since its introduction in April 2012 at a rate of £35 per square metre. Bromley plans to introduce a local CIL to aid the delivery of infrastructure identified through the emerging Local Plan process. The Local Development Scheme which shows the timetable for the Levy and the Local Plan programme was approved by Executive in October 2013. This report outlines the changes to the regulation that will impact on collection of the levy for the Mayor and in the future for the Borough CIL.

Context

3.3 The levy may be payable on development which creates net additional floor space, where the gross internal area of new build exceeds 100 square metres. A charge can be levied on a single house or flat of any size, unless it is built by a 'self builder' (under the new regulation). The definition of 'self-builder' is given in new DCLG CIL Guidance (paras 2.7.5 and 2.7.6) as anybody who is building their own home or has commissioned a home from a contractor, housebuilder or sub-contractor, and people who extend their own homes or erect residential annexes within the grounds of their own homes.

Therefore the list of the types of build that are exempt, and do not pay the levy is now:-

- development of less than 100 square metres (Regulation 42 on Minor Development Exemptions) - unless this is a whole house, in which case the levy is payable
- ***houses, flats, residential annexes and residential extensions which are built by 'self-builders' (new Regulations 42A, 42B, 54A and 54B)***
- ***social housing that meets the relief criteria set out in Regulation 49 or new regs 49A, 49c -to ensure that rental housing provided at no more than 80% of market rent will be eligible for social housing relief, and provides for social housing communal areas (stairs/parking) to benefit from relief***
- charitable development that meets the relief criteria set out in Regulations 43 to 48
- buildings into which people do not normally go (see Regulation 5(2))
- buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery (see Regulation 5(2))
- structures which are not buildings, such as pylons and wind turbines
- specified types of development which local authorities have decided should be subject to a 'zero' rate and specified as such in their charging schedules
- ***vacant buildings brought back into the same use (Regulation 40 as amended by the 2014 Regulations)***

Other key changes to the regulation affect infrastructure planning.

3.4 ***Authorities are now required to strike an appropriate balance between the desirability of funding infrastructure through CIL and impacting development viability.*** This is much more specific as the previous regulations had said only that Councils "must aim" to strike this balance.

3.5 The implementation of the s106 pooling deadline (previously April 2014) has been pushed back. Now the regulations will delay until April 2015 the introduction of restrictions on councils' ability to rely on section 106 agreements to fund infrastructure. However, Affordable housing will remain under the s106 system.

3.6 There are new rate setting freedoms as Councils can now set levy rates "by reference to either floor area or the number of units or dwellings in a development". Previously, councils were able to set different rates by reference to geographic zones and for different use of development, but not in relation to the size of a development. This enables refinement for Councils.

3.7 Phasing provisions has been expanded. Under previous regulations, each phase of an outline permission triggered a CIL payment. This now applies also to full permissions.

3.8 Payable in kind provisions have been overhauled. Charging authorities can now accept payments in kind through the provision of on-site or off-site infrastructure for the whole or part of the levy payable on a development. However, this can only happen if the infrastructure to be provided is identified on the regulation 123 list of types of infrastructure to be funded through CIL. Previously only land could be provided in lieu of a CIL payment. As an example, the regulation 123 list would typically include Education, Healthcare and Community facilities.

How does the levy charge relate to infrastructure planning?

3.9 Information on the Council's infrastructure needs would be drawn from the infrastructure assessment that is undertaken as part of preparing the Local Plan. This is because the plan identifies the scale and type of infrastructure needed to deliver the area's local development and growth needs (National Planning Policy Framework (NPPF) paras 162 and 177), "sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened".

3.10 The Council must identify the total cost of infrastructure it wishes to fund wholly or partly through the levy. Consideration is made about what additional infrastructure is needed to support development, and what other sources of funding are available, based on appropriate evidence.

3.11 Then having determined the size of its infrastructure funding gap, the Council will consider known and expected infrastructure costs and the other possible sources of funding to meet those costs. This process will help to identify a levy funding target and focus on providing evidence of an aggregate funding gap that demonstrates the need to put in place the levy.

3.12 New regulation 5(3)(a) **provides for the draft list of infrastructure the Council intends to fund in whole or part through the levy (reg 123 list) to be used to inform the drafting of the charging schedule.** Therefore at examination, the Council will set out the list of the projects or types of infrastructure. Importantly new regulation 12(a) and (b) **restricts the use of highway agreements under section 278 of the Highways Act 1980**, thereby planning powers cannot be used to require a developer to enter into a s278 agreement in relation to highways infrastructure that the authority intends to fund through the levy and has been listed on the regulation 123 list. At examination the Council will also set out any known site-specific matters for which s106 contributions may continue to be sought and as background evidence, and the Council will provide information about the amount of funding collected in recent years through s106 agreements.

In summary developing a CIL charging schedule through to adoption.

3.13 Summary

- Preparation of a sound viability evidence base in order to prepare draft levy rates, and collaboration with neighbouring/overlapping authorities (and other stakeholders) - *as part of the duty to co-operate*
- the local authority prepares a preliminary draft charging schedule (based on evidence about the infrastructure needs of the area and the ability of development in that area to fund that infrastructure in whole or in part) and publishes this for consultation –*the authority ‘must now strike an appropriate balance’ and if there is any doubt as to viability to deliver development, this would affect the soundness of the local plan, and delay both the local plan and levy process*
- consultation process takes place
- the charging authority prepares and publishes a draft charging schedule
- period of further representations based on the published draft
- an independent person (the “examiner”) examines the charging schedule in public (*eip*)
- the examiner’s recommendations are published
- the charging authority considers the examiner’s recommendations
- the charging authority approves and adopts the charging schedule

Potential Financial impact of the new regulation 2014.

3.14 The changes to the regulations will now mean a reduction in monies generated by CIL, which are currently only collected for the Mayor. This will be because a large proportion of CIL liable cases in Bromley, that in the past had attracted a payment, are now those categorised as ‘self-build’ and these along with granny annexes and extensions will no longer be charged the levy.

3.15 For 2013/14 current data shows that in Bromley self build applicants, either through new build or replacement dwelling and extensions, represent some 49% of cases. This is where a demand notice has been issued in Bromley on behalf of the Mayor for Crossrail. This represents over 27% of income received. Whilst developer-led cases (which remain as CIL liable) represent over 38% of cases and over 69% of income received.

3.16 To pay for the costs of collection, administration and monitoring, Bromley receives 4% of the amount collected on behalf of the Mayor. In 2012/13, the 4% amounted to £5,452 and in 2013/14 the 4% is expected to amount to around £33,000. Software used to collect the levy and the arrangement to send invoices and accept payment with Liberata represent two fixed costs, totalling £11,000.

3.17 It is not possible to accurately predict the income in 2014/15 because CIL demand notices are sent out following the start of building work rather than with planning permission, but before the new regulation came into being, a rise in the income derived from the 4% collection fee would have reasonably been expected to be between £33,000 and £50,000. However, as self-building has become exempt and the ‘vacancy test’ (*revised reg 40*) has become more lenient, an income of between £24,000 and £36,000 could be estimated based on the 27.8% of payments so far coming from self-build projects and change of use applications.

3.18 Finally the self-build, extensions, and annex cases, though exempt from the levy, and therefore not bringing in monies, and consequently no 4%, at the same time will increase responsibilities on the Council as the new regulations require the Council to monitor each case **for three years after completion**, in a revision of the clawback period **reg 2 (1)**, to ensure the applicants are genuine self-builders, and for extensions/annexes, that the use is not changed, sold or let.

4. POLICY IMPLICATIONS

4.1 Statutory policy in compliance with the Planning Act 2008 and Community Infrastructure Levy Regulations (amendment) 2014.

5. FINANCIAL IMPLICATIONS

5.1 The potential financial impact of the changes to the CIL Regulations are included in the paragraphs 3.14 to 3.18

6 LEGAL IMPLICATIONS

6.1 Compliance with the Planning Act 2008, and Community Infrastructure Levy England and Wales (Amendment) Regulation 2014.

Non-Applicable Sections:	PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	Development Control Committee 12 Sept2013, and Executive 16 th Oct 2013: Local Development Scheme October 2013 Executive 14 th Feb 2011; Consultation on Mayoral Community Infrastructure Levy. Executive 14 th Dec 2011 Community Infrastructure Levy

Report No.
DRR14/033

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Thursday 10 April 2014

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

Title: PLANNING APPEALS MONITORING REPORT (APRIL 2013 TO MARCH 2014)

Contact Officer: Catharine Leadbeater, Planner
Tel: 020 8461 7762 E-mail: Catharine.Leadbeater@bromley.gov.uk

Chief Officer: Chief Planner

Ward: (All Wards);

1. Reason for report

The report provides an update on planning appeals received and decided for the year 2013/2014.

2. RECOMMENDATION(S)

Members note the report

Corporate Policy

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

Financial

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

Staff

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

Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Not Applicable:
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 The attached table (**Appendix 1**) provides a summary of appeals activity in the period 1 April 2013 to 31 March 2014. 248 new appeals were lodged, compared with 309 in 2012/13. Over the same period 278 appeal decisions were received of which 154 were dismissed and 114 allowed, with 10 being part allowed part dismissed.
- 3.2 With regard to the appeal procedure, the written representation method has remained the most popular method accounting for 48% of all appeals received. The number of fast track appeals are gradually increasing each year from approximately 35% in 2010/11 to 46% in 2013/14.
- 3.3 The breakdown by appeal procedure for 2013/2014 compared with 2012/2013 is summarised below:

Procedure	2012 – 2013	2013 - 2014
'Fast track'	135 (43.7%)	113 (45.6%)
Written Representations	144 (46.6%)	118 (47.6%)
Informal Hearing	19 (6.1%)	12 (4.8%)
Local Inquiry	11 (3.6%)	5 (2%)
Total	309 (100%)	248 (100%)

- 3.4 Since 6 April 2009 the Secretary of State has had the power to determine by which procedure an appeal will be heard (ie by written representations, informal hearing or by local inquiry).
- Section 196 of the Planning Act 2008 inserted section 319A of the Town and Country Planning Act 1990 to enable this function. Although the Council may request a certain procedure in all cases the method is determined by the Planning Inspectorate.
- 3.5 The new appeal procedural guidance of 6 March 2014 restates this prerogative and also states that this power has been commenced in relation to planning, advertisement and enforcement appeals. The power to determine the appeal procedure does not yet apply to listed building and conservation area consent appeals.
- 3.6 The Procedure Rules and Planning Inspectorate targets were changed to enable faster decision- making in October 2013. The expedited written representations procedure currently used for householder appeals (HAS), introduced in 2009, has been extended to appeals against refusal of express consent for the display of an advertisement, appeals for minor commercial (shop front) development and this is now known as the CAS appeal service.
- 3.7 The validation requirements for an appeal have been changed so that the appeal process is front loaded with appellants providing a 'full statement of case' with the appeal form, a statement explaining choice of procedure and the provision at an early stage of a draft statement of common ground for inquiry or hearing setting out factual information not considered to be in dispute.
- 3.8 The targets have been changed to enable faster decision making. The process has been shortened by 1 week so that residents have 5 weeks within which to make any additional comments concerning appeals rather than the 6 weeks previously given at this stage. The target is to determine 80% of written representations appeals within 14 weeks of the start date, 80% of hearings within 14 weeks of the start date and 80% of non-bespoke inquiries within 22 weeks of the start date,
- 3.9 A separate report on planning appeal costs for the financial year 2013/2014 is available.

Non-Applicable Sections:	Policy, financial, Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	N/A

Appendix 1

Planning appeals received and decided 2013/2014

	Fast track	Written	Hearing	Inquiry	Total	Percentage
Planning Appeals Lodged	112	103	10	2	227	92%
Enforcement appeals lodged	1	15	1	2	19	8%
Total Appeals Lodged	113	118	12	5	248	
	45.60%	47.60%	4.80%	2.00%		100%

Planning appeals decided						
Allowed	47	52	4	6	109	39%
Dismissed	61	77	8	1	147	53%
Part Allowed/part dismissed	4	3	0	0	7	3%
Enforcement appeals decided						
Allowed	0	3	0	2	5	2%
Dismissed	0	6	0	0	6	2%
Part Allowed/part dismissed	0	3	0	0	3	1%
Total Appeal Decisions	112	144	12	9	277	100%
Total Dismissed	61	83	8	2	154	
Percentage Appeals Dismissed	54.5%	57.6%	66.7%	22.2%	55.6%	56%

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Report No.
DRR14/032

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

Date: **Thursday 10 April 2014**

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

Title: **PLANNING APPEALS - COSTS 2013/2014**

Contact Officer: Catharine Leadbeater, Planner
Tel: 020 8461 7762 E-mail: Catharine.Leadbeater@bromley.gov.uk

Chief Officer: Chief Planner

Ward: (All Wards);

1. Reason for report

This report provides an update on the award of costs in planning appeals in the financial year 2013/2014. 23 claims for costs were received in the period April 2013 to March 2014 of which 10 have been allowed and 13 dismissed. To date 7 cost claims have been paid totalling approx £15,211.

2. **RECOMMENDATION(S)**

Members note the report

Corporate Policy

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

Financial

1. Cost of proposal: N/A: Reporting that £15,212 has been paid out during 2013/14 to date
 2. Ongoing costs: N/A
 3. Budget head/performance centre: Planning Division
 4. Total current budget for this head: £705k
 5. Source of funding: Existing controllable revenue budget 2013/14
-

Staff

1. Number of staff (current and additional): 44.4 ftes
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory Requirement :
 2. Call-in: Not Applicable:
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: n/a

3. COMMENTARY

- 3.1 In planning and enforcement appeals the main parties are normally expected to meet their own expenses irrespective of the outcome. Costs may be awarded on the grounds of 'unreasonable behaviour' resulting in unnecessary wasted expense. Policy guidance concerning the costs procedure was provided in the Costs Circular (CLG Circular 03/09). On 6 March 2014 Circular 03/09 was superseded by National Planning Practice Policy Guidance (NPPG) concerning Appeals.
- 3.2 Section 4 of the NPPG Appeals guidance sets out the circumstances when an award of costs may be applied for. The award of costs supports an effective and timely planning system in which all parties are required to behave reasonably. In order to support this aim further, it is stated that Inspectors will now use their existing legal powers to make an award of costs where they have found unreasonable behaviour, including cases where no application has been made by either party, applying the same guidance when deciding an application for an award of costs, or making an award at their own initiative. Costs may be awarded at the initiative of the Inspector in relation to planning appeals received on or after 1st October 2013.
- 3.3 Costs awards may also be made against statutory consultees as there is a clear expectation that a statutory consultee will substantiate its advice at appeal.
- 3.4 In Local Planning Authorities with a high appeals workload such as Bromley, the number of claims against the Council can be significant. Bromley consistently has one of the highest number of planning appeals in the UK. The volume of appeals is reflected in the relatively high number of claims for costs.
- 3.5 The trend for the number of costs claims against the Council has remained on average about 20 a year. However the amounts claimed can vary significantly depending on the type of case. It is not sufficient for the appellant to claim costs on the grounds that the Council has made an incorrect decision and it is necessary to demonstrate that it has acted unreasonably, for example if it is unable to produce convincing evidence in support of its reasons to refuse permission.
- 3.6 Factors which have persuaded Planning Inspectors to award costs against the Council in 2013/2014 have included the following:
1. Failing to produce sufficient evidence to substantiate reasons for refusal or demonstrating why the development could not be permitted.
 2. The Council misunderstood the position in relation to GPDO provisions, application refusal and appeal opposition unreasonable.
 3. Insufficient justification to contest the 2nd and 3rd reasons for refusal caused appellant additional work and to provide an expert.
 4. Lack of highway evidence to demonstrate position level of on-street parking.
 5. Enforcement notice withdrawn because it misquoted the wrong policies
 6. Council failed to substantiate its Members' views and showed unreasonable grounds for taking a decision contrary to professional advice of officers.
- 3.7 This report provides an update on the award of costs in planning appeals in financial year 2013/2014. 23 claims for costs were received in the period April 2013 to March 2014 of which 10 have been allowed and 13 dismissed.

3.8 To date 7 claims for costs have been paid. There are a further 3 cases where costs awards have been made but are awaiting submission of claim. The total amount paid to date is approximately £15,211 although there a number of large claims currently awaiting settlement from the previous year. Members are notified of all cost decisions together with all appeal decisions on a weekly basis. A list of all cost decisions received in 2013/2014 is attached. **(Appendix 1)**

3.9 In some cases the decisions made at committee may be contrary to officer's recommendations. Whilst the Council is not bound to accept the advice given by officers, on appeal it will be required to show that there are reasonable planning grounds for doing so, and that the relevant evidence is provided to justify its decision. A criticism by Inspectors is that insufficient evidence is produced to substantiate the reasons for refusal. If permission is refused and goes to appeal it is therefore essential that the Council is able to produce sufficient supporting evidence to sustain the reasons for refusal. Although is it right for the Council to take into account of local objections, its reasons for refusal should be specific, precise, complete and relevant to the application and Planning Inspectors expect to be presented with evidence to substantiate the reasons for refusal. Where such evidence is lacking a claim for costs is more likely to succeed. Two such cases in the period 2013/2014 were paid totalling £3,350.

4. FINANCIAL IMPLICATIONS

4.1 A total of £15,212 has been paid out as cost awards during 2013/14. These additional costs have been contained within the overall planning budget.

4.2 As mentioned above, there are a further three cases where cost awards have been made but the submission of the claims are awaited. The latest budget monitoring report includes an estimated £41k for these claims.

4.3 There are also a large number of claims currently awaiting settlement from previous years with an estimated claims totalling £164k. All of these costs have been accounted for in the projected outturn figures for 2012/13. It should be noted that £113k of this sum relates to cases where claims have been received and where the costs are being challenged or negotiated. The remaining £51k relate to cases where no claims have been submitted.

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

COSTS DECISIONS 2013-2014

FILE	ADDRESS	DESCRIPTION	DECISION	PERMISSION RECOMMENDED BY OFFICER [Yes/No]	Cost Claim	Summary
12/00833	Written Reps 1 Edward Road, Bromley	Use as house in multiple occupation for 6 unrelated persons CLUED	Award of costs refused 17.4.13	NO	Na	na
12/03337	Written Rep Forest Dene, Holwood Park Avenue, Orpington	Removal of condition 3 (garage for private motor vehicles only) of DC 05/01739 granted on appeal	Award of costs refused 6.6.13	No	Na	na
12/01008	Written Rep Italian Villa, Elstree Hill, Bromley	Repairs alterations and refurbishment inc. conversion of outbuilding to bedroom and construction of new entrance lobby between outbuilding and villa to provide three bedroom residential unit and use of part ground floor and first floor as offices/museum.	Award of costs allowed 13.8.13	Yes	£2,000 Paid 2.10.13	Lack of evidence re character and appearance of area, assertions are vague and unsubstantiated
12/01009	Written Rep Italian Villa, Elstree Hill, Bromley	LBC as above	Award of costs refused 13.8.13	Yes	na	na
12/01978	Written Rep Goddington Manor, Court Road, Orpington	Single storey extension, alterations to roof to incorporate dormers and rooflights, elevational alterations and creation of 3 additional apartments, together with provision of entrance gates.	Award of costs refused 13.8.13	Yes	Na	na
12/01979	Written Rep Goddington Manor, Court Road, Orpington	LBC as above	Award of costs refused 13.8.13	yes	na	na
12/04033	Fast track 2 Melbury Close, Chislehurst	Part one/two storey rear extension with pitched roof to side	Award of costs refused 12.6.13	No	n/a	n/a
12/01647	Fasttrack 46 Kings Avenue, Bromley	Amendment to planning application ref.11/00639 to include new gable end roof above ground floor garage and new windows to front, side and rear elevations and alterations to single storey rear extension (RETROSPECTIVE APPLICATION)	Award of costs refused 4.7.13	yes	n/a	n/a

FILE	ADDRESS	DESCRIPTION	DECISION	PERMISSION RECOMMENDED BY OFFICER [Yes/No]	Cost Claim	Summary
12/02978 PLUD	Written Rep The cabin land adj Walnut Tree Cottage, Jackass Lane, Keston	Erection of means of enclosure around curtilage of property to be no higher than 2 metres in height. CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT.	Award of costs allowed 24.10.13	No	Awaiting claim	Council misunderstood the position in relation to GPDO provisions, application refusal and appeal opposition unreasonable
12/03972	Written Rep Central Auto Centre, 80 High Street, Orpington	2 internally illuminated totem signs	Award of costs refused 30.7.13	no	n/a	n/a
12/02098	Written Rep 41 Cedars Road, Beckenham	Part one/two storey side/rear extension, conversion of existing 5 bedroom dwelling to form 3 bedroom split level ground and first floor flat and 1 bedroom split level first and second floor flat and elevational alterations	Award of costs refused 30.5.13 [appeal dismissed]	Yes	Na	na
12/01843	Hearing Former manor site 20-22 Main Road, Biggin Hill	Residential scheme consisting of 9 dwellings (8x4 bed houses and 1x3 bed house), together with associated car parking, landscaping and ancillary development.	Partial award of costs allowed 4.6.13	No	£5,391.87 Paid 18.7.13	Insufficient justification to contest the 2nd and 3rd reasons for refusal caused appellant additional work and to provide an expert.
12/04038	Written Rep Newlands St Georges Road West, Bickley	Demolition of existing dwelling and erection of two detached houses with integral garages	Award of costs refused 18.9.13	No	Na	na
13/00115	Fast track 33 Whitewebbs Way, Orpington	First floor side extension	Award of costs allowed 13.8.13	Yes	£1,350 paid 23.9.13	Council did not fully consider the amended proposal – no substantial evidence to justify departure from recommendation.
12/00587	Written Rep Poppyfield Cottage, 63 Cudham Lane North, Orpington	unauthorised erection of a single storey rear extension	Partial award of costs allowed 18.9.13	Enf n/a	Awaiting claim	Unreasonable – issuing and withdrawing an enforcement notice due to admin errors

FILE	ADDRESS	DESCRIPTION	DECISION	PERMISSION RECOMMENDED BY OFFICER [Yes/No]	Cost Claim	Summary
10/02052	Public Inquiry Land adj 148 Croydon Road, Keston	Use of land as private residential gypsy site for the stationing of 5 additional pitches (mobile home, touring caravan, car park) associated fencing and hardstanding, removal and replanting of woodland TPO trees and a play area. AMENDED PLANS RECEIVED	Partial award of costs allowed 14.8.13	No	Awaiting claim	Unreasonable behavior – late production of background docs, late intro of biodiversity obj resulting in adjournments + time spent on cost evidence and claims
13/02270	Fast track 9 Rosemere Place, Shortlands	Roof alterations to incorporate side and rear dormer extensions and front porch	Award of costs refused 21.11.13	Yes	Na	Na
12/03709	Written Rep Tanglewood Farm, Skibbs Lane, Orpington	Single storey side extension	Award of costs Allowed 10.12.13	no	£780 Paid 7.1.2014	Council did not apply policy appropriately no appropriate assessment. No substantive evidence at appeal stage to support their case.
12/03866 12/03867	Hearing 28 Wickham Way, Beckenham	Subdivision of existing plot and erection of two replacement two storey 6 bedroom detached dwellings with integral parking	Award of costs Part allowed 25.11.13	No	£295 Paid 31.1.2014	Late submission of evidence by the Council caused an adjournment and costs incurred.
13/00438	Hearing 175 High Street, Penge (Police Station)	Elevational alterations and conversion of police station to 5 one bedroom and 2 two bedroom flats etc.	Award of costs Allowed 29.11.13	Non det	£3,379.93 Paid 20.12.13	No parking issue evidence Council failed to substantiate position level of on-street parking
13/00173	Hearing Wildewood, Widmore Green, Bromley	4 two bedroom two storey terrace dwellings and 1 two bedroom chalet bungalow with 8 car parking spaces and associated outbuildings and landscaping.	Award of costs Allowed 15.1.14	No	£2,015 Paid 13.2.14	The Council failed to provide adequate reasons to justify a departure from its officer recommendations and the findings of the previous inspector.

FILE	ADDRESS	DESCRIPTION	DECISION	PERMISSION RECOMMENDED BY OFFICER [Yes/No]	Cost Claim	Summary
13/01708	Written Rep 23A & 25 Hayes Lane, Bromley	Subdivision of existing plots and erection of 4 two storey detached five bedroom dwellings each with integral single garage, at No 23A and 25 Hayes	Award of costs Refused 20.1.14	Yes	Na	na
13/00477	Hearing Cudham Frith, Cudham Lane South, Knockholt	Variation of condition 3 of application reference 05/03927 (demolition of existing outbuilding and erection of detached garage) for all the building to be used as ancillary accommodation to the main dwelling.	Award of costs Refused 14.2.14	No	Na	na

Report No.
DRR14/039

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Thursday 10 April 2014

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

Title: ENFORCEMENT MONITORING REPORT
(JANUARY TO DECEMBER 2013)

Contact Officer: John Stephenson, Planning Investigation Officer
Tel: 0208 461 7887 E-mail: John.Stephenson@bromley.gov.uk

Chief Officer: Chief Planner

Ward: (All Wards);

1. Reason for report

This report provides an update of enforcement activity from January to December 2013.

2. RECOMMENDATION(S)

Members note the report

Corporate Policy

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

Financial

1. Cost of proposal: N/A
 2. Ongoing costsN/A
 3. Budget head/performance centre: Planning – Appeals and Enforcement Section
 4. Total current budget for this head: £285k
 5. Source of funding: Existing revenue budget 2013/14
-

Staff

1. Number of staff (current and additional): 4
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Applicable
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 In the period January to December 2013 the Council received 627 new complaints about alleged breaches of planning control, representing an average of 52 new cases per month. These are summarised in the attached table (**Appendix 1**). This compares with approximately 762 complaints received in 2012 representing an average of 63 new cases per month.
- 3.2 In terms of enforcement activity 74 enforcement notices were issued in respect of breaches of planning control in the period January to December 2013.

Type of Notice	Number of Notices
Operational Development	34
Change of Use	6
S215 (Untidy site) Notice	16
Breach of Condition Notice	8
Planning Contravention Notice	10
Stop Notice	0
Total	74

- 3.3 The majority of enforcement action is authorised under Delegated Authority and a list of cases where delegated enforcement action has been taken is regularly reported to Development Control Committee. In addition a monthly report of notices issued is circulated to all Members.
- 3.4 A wide range of complaints is received but the most frequent relate to operational development (37%), not built in accordance with plans (13%), untidy sites (10%) and change of use (10%). A substantial number of complaints are received which do not involve breaches of planning control which are not recorded on the planning enforcement monitoring system. These include non-planning issues such as boundary disputes, anti-social behaviour and other civil matters which fall outside the remit of planning control.
- 3.5 In cases where an enforcement notice has been effective and not been complied with the Council may exercise its powers of prosecution. The Council's solicitors are currently in the process of prosecuting on the following types of breaches of planning control in line with our current planning enforcement policy.
1. A property in SE20 – unauthorised sub-division to create 5 flats, alterations to roof to increase height, rear extension and stairwell together with an alteration to its shop front.
 2. A property in BR1 – over height fence to front boundary.
 3. A property in TN16 – unauthorised decking.
 4. Land in TN16 – development including hard standing within Green Belt.
 5. Shop in BR2 – unauthorised installation of external roller shutters.
 6. Shop in BR6 – for the unauthorised display of an advertisement.
- 3.6 In June 2012, Members decided to approve a Planning Enforcement Policy which was published on the Council's website and is now available for all our service users.

This policy will enable our service users to see our current procedures, policies and reasons if and when we consider taking enforcement action and the types of action that we take to remedy breaches of planning control.

It will give our service users an understanding of the many different types of allegations and how we prioritise our sometimes conflicting priorities.

Complaints about alleged breaches of planning control will be dealt with in accordance with these procedures and principles as set out in this policy document.

Non-Applicable Sections:	Policy Implications, Financial Implications, Legal Implications, Personnel Implications
Background Documents: (Access via Contact Officer)	n/a

Planning Enforcement range of complaints and notices issued in 2013

Range of complaints		
Operational Development	197	31%
Untidy Sites (S215)	67	11%
Commercial Activity	42	7%
Breach of condition	53	8%
Adverts	39	6%
Boundary treatment	21	3%
Plans - not built according to	85	14%
Commercial vehicle - parking of	7	1%
Change of Use	89	14%
Access	2	0%
Shop shutters	2	0%
Satellite Dishes	6	1%
Other	17	3%
TOTAL	627	100%

Number of Notices		
Operational Development	34	45.9%
Change of Use	6	8.1%
S215	16	21.6%
Breach of Condition Notice	8	10.8%
Planning Contravention Notice	10	13.5%
Stop Notice	0	0
TOTAL	74	100%

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Report No.
DRR14/037

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

Date: **Thursday 10 April 2014**

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

Title: **DELEGATED ENFORCEMENT ACTION
(JANUARY TO MARCH 2014)**

Contact Officer: John Stephenson, Planning Investigation Officer
Tel: 0208 461 7887 E-mail: John.Stephenson@bromley.gov.uk

Chief Officer: Chief Planner

Ward: (All Wards);

1. Reason for report

Enforcement action has been authorised under Delegated Authority for the following alleged breaches of planning control. In accordance with agreed procedures Members are hereby advised of the action taken.

2. **RECOMMENDATION(S)**

Members to note the report.

Corporate Policy

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

Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A
 3. Budget head/performance centre: Planning – Appeals and Enforcement Section
 4. Total current budget for this head: £285k
 5. Source of funding: Existing revenue budget 2013/14
-

Staff

1. Number of staff (current and additional): 4
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Town and Country Planning Acts
 2. Call-in: Not Applicable
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

3. COMMENTARY

3.1 Enforcement action/advertisement proceedings/prosecutions have been authorised by the Chief Planner under Delegated Authority during the period 1 January – 31 March 2014 in respect of development undertaken without the benefit of planning permission at the following sites:-

ENF Ref	Complaint	Site	Ward	Recommendation	Decision date
13/00436	front boundary metal railings and vehicular/ped access gates brick pillars 2m high	57 Elm Grove, Orpington	Petts Wood and Knoll	Enforcement	8.1.14
12/00185	sub-division of single dwelling house	99 Bourne Way, Hayes	Hayes and Coney Hall	Enforcement	10.1.14
13/00299	composting site	Scrubbs Farm, Lower Gravel Road, Bromley	Bromley Common and Keston	Enforcement	24.1.14
09/00508	change of use - 5 flats Roof and elevational alterations	Maple Road, Penge	Penge and Cator	Prosecution	12.2.14
13/00541	change of use to mini cab office	105 Queensway, Petts Wood	Petts Wood and Knoll	Enforcement	12.2.14
13/00322	unauthorised replacement shop front in conservation area	17 Station Square, Petts Wood	Petts Wood and Knoll	Enforcement	24.2.14
12/00207	unauthorised display of one large advertisement banner measuring 17.6m x 4.9m	High Street, Orpington	Orpington	Prosecution	28.2.14
14/00009	Untidy site	31 Waldenhurst Road, Orpington	Cray Valley East	S215	4.3.14
12/00124	Untidy site	land adjacent 39 Southend Road, Beckenham	Copers Cope	S215	4.3.14
13/00293	increased height of first floor rear flat roof and side parapet wall	44 Towncourt Crescent	Petts Wood and Knoll	Enforcement	7.3.14
13/00298	Untidy site	17 Queens Road, Beckenham	Clock House	S215	12.3.14

3.2 For further details of any of the above cases please contact John Stephenson (details as above).

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

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