



THE LONDON BOROUGH  
www.bromley.gov.uk

BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

TELEPHONE: 020 8464 3333

CONTACT: Lisa Thornley  
*lisa.thornley@bromley.gov.uk*

DIRECT LINE: 020 8461 7566

FAX: 020 8290 0608

DATE: 1 July 2014

To: Members of the  
**DEVELOPMENT CONTROL COMMITTEE**

Councillor Peter Dean (Chairman)  
Councillor Nicky Dykes (Vice-Chairman)  
Councillors Vanessa Allen, Graham Arthur, Douglas Auld, Teresa Ball,  
Kathy Bance MBE, Eric Bosshard, Katy Boughey, Lydia Buttinger, Simon Fawthrop,  
Charles Joel, David Livett, Alexa Michael, Michael Rutherford, Richard Scoates and  
Michael Turner

A meeting of the Development Control Committee will be held at Bromley Civic  
Centre on **WEDNESDAY 9 JULY 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 10TH APRIL AND 4TH JUNE 2014 (Pages 1-16)**

#### 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 Thursday 3 July 2014.

#### 5 PLANNING REPORTS

ITEM NO.	APPLICATION NUMBER AND ADDRESS OF DEVELOPMENT	PAGE NO.	WARD
5a	(14/00660/FULL1) - Intu Bromley, The Glades Shopping Centre, High Street, Bromley	17-34	Bromley Town
5b	(13/03467) - Dylon International Ltd, Worsley Bridge Road, London SE26 5BE	<i>(Report to Follow)</i>	Copers Cope
5c	(14/01752) - Dylon International Ltd, Worsley Bridge Road, London SE26 5BE	<i>(Report to Follow)</i>	Copers Cope
5d	(14/00544/FULL6) - 32 Copse Avenue West Wickham	35-44	West Wickham

#### 6 LAND AT UPPER ELMERS END ROAD AND CROYDON ROAD - APPLICATION FOR REGISTRATION AS A TOWN OR VILLAGE GREEN (Pages 45-52)

#### 7 LAND AT NEW BARN LANE, WESTERHAM - PROPOSED ARTICLE 4 DIRECTION (Pages 53-60)

#### 8 BROMLEY NORTH VILLAGE - PROPOSED REGULATION 7 DIRECTION *(Report to Follow)*

#### 9 DELEGATED ENFORCEMENT ACTION (APRIL-JUNE 2014) *(Report to Follow)*

#### 10 SEVENOAKS DISTRICT COUNCIL GYPSY AND TRAVELLER PLAN SITE OPTIONS CONSULTATION (Pages 61-74)

**11 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000**

The Chairman to move that the Press and public be excluded during consideration of the items of business listed below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

**12 EXEMPT MINUTES OF THE MEETING HELD ON 10 APRIL 2014 (Pages 75-76)**

.....

This page is left intentionally blank

## DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 10 April 2014

### Present:

Councillor Peter Dean (Chairman)  
Councillor Alexa Michael (Vice-Chairman)  
Councillors Graham Arthur, 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

### 42 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Douglas Auld.

### 43 DECLARATIONS OF INTEREST

No declarations of interest were received.

### 44 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 7 JANUARY 2014

**RESOLVED** that the Minutes of the meeting held on 7 January 2014 be confirmed and signed as a correct record.

### 45 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

### 46 PLANNING REPORTS

Members considered the following planning application report:-

Item No.	Ward	Description of Application
46a (page 13)	Crystal Palace	(14/00452/FULL1) - 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 <b>at The Haven, Springfield Road, Sydenham, London SE26.</b>

Oral representations in support of the application were received from Mr Simon Chadwick, Managing Director of Signet Planning. Mr Chadwick submitted the following points:-

During recent correspondence, deferral of the application had been requested due to the very late objections submitted by the Tree Officer which resulted in a change to the recommendation. It would, therefore, be reasonable for Members to grant a deferral.

The application was submitted in February and was the subject of significant pre-application discussion, part of which focussed on trees located at the site. Meetings with the Council's Tree Officer were sought on numerous occasions (before and after pre-submission) to discuss concerns raised. Despite no meeting being offered, all other matters relevant to the application had been resolved through planning officers, including an amendment to the internal layout of the scheme to address concerns of the Housing Officer. All other internal consultees (including highways and flood risk), were satisfied with the scheme. The applicant responded to relevant consultation responses and dealt with matters to the satisfaction of consultees.

It was understood that up until the end of March, planning officers had been satisfied with the application and were going to recommend approval. However, on 31 March, the applicant was informed that the recommendation had been changed following receipt of comments from the Tree Officer,.

Concerns raised by the Tree Officer could be overcome mainly by the imposition of conditions, i.e. by ensuring trees were protected during construction however, as a number of points were incorrect, the applicant would be willing to discuss and clarify these. Rather than the Council pursue a refusal on the basis of what appeared to be erroneous assumptions about the scheme, it would be in the Council's interest and the applicant's, to defer a decision in order that matters could be resolved in the same way as concerns raised by the Housing Officer.

On behalf of the applicant, Mr Chadwick formally requested that Members defer the application due to the lateness of objections from the Tree Officer and, more importantly, because the concerns raised could be resolved.

Oral representations in objection to the application were received from Ms Hazel Anderson on behalf of local residents, the wider community and organisations including The Sydenham Society, St Christophers Hospice and The Sydenham Tennis Club. Ms Anderson submitted the following points:-

The proposed scheme constituted an over-development of the site. The quality of the application was poor, submitted plans were inaccurate and artists impressions were misleading. There had also been a distinct lack of engagement by the applicant who had failed to carry out adequate consultation.

The proposed development would stand twice as high as surrounding buildings and would cause overshadowing. The inclusion of balconies and roof terraces would lead to a serious loss of privacy.

The density and style of building was wholly inappropriate for its location which was characterised largely by two-storey homes. The enclosed suburban site was too small to define its own character and any development would need to respect and complement the surrounding area.

The scheme had been designed close to the maximum permitted density for the site and stood at minimal distance from existing residences. It consisted of an unusually high level of built development and hardstanding. The allocation of 135 car parking spaces at the site were symptomatic of the over-intense approach.

The height and massing of the development would be out of scale with the form and layout of its surroundings, would detract from the existing street scene on all sides and would be clearly visible above trees from Crystal Palace Park. Even though many mature trees had already been removed from the site it would be necessary to clear further TPO protected trees.

The proposals would result in a large increase of people to the locality. Additional cars would cause parking and traffic safety issues along Springfield Road and Lawrie Park Crescent and would affect the ability of Tennis Club members, Hospice staff and visitors to park safely in the vicinity of these amenities.

Whilst the requirement for more housing in Bromley was acknowledged and the need to redevelop the site was understood, this should be at a scale that did not harm the amenity of residents and a scheme that respected the character of the area.

Ms Anderson therefore requested that Members endorse the Planning Officer's recommendation to refuse the report.

In response to questions from Councillor Papworth, Ms Anderson described the neighbourhood as a leafy area surrounded by wider streets with large detached houses, large gardens and a quiet street scene. The area was not densely populated. Parking was often problematic during the day due to the number of visitors to the Tennis Club and Hospice.

The level of engagement undertaken by the applicant was minimal with only one open consultation session lasting 1½ hours being held. A leaflet had been distributed to residents and having e-mailed the address allocated for submitting queries, Ms Anderson had received an inadequate and unhelpful response.

The Chief Planner reported that further correspondence from the agent and objections from local residents had been received, both of which reiterated

points previously made. He also informed Members that the site measured a total of 1.4 hectares as opposed to 0.78 as set out in the first bullet-point under the heading 'Location' on page 16.

Ward Member Councillor Papworth would have supported deferral of the application if the only concerns raised had been those of the Tree Officer,. Whilst many residents had no objection to the site being developed, they considered that the existing proposal was not in keeping with the general character of the area. The remaining trees on site should be protected. Referring to the recommendation in the report, Councillor Papworth suggested the inclusion of further reasons to refuse the application as follows:-

1. The proposal was a substantial over-development of a leafy, quiet and sparsely populated suburban site.
2. The proposed buildings were bulky by nature and the local buildings of the same scale referred to in the report were some distance away.
3. The development consisting of long blocks linked together, would be out of character with the suburban area. Nos. 36, 38 and 46 Crystal Palace Park Road would be overlooked by 4-storey buildings resulting in a lack of privacy and there would be no access to the boundary wall at No. 38. The development would also have a major impact on the residents of No. 15 Lawrie Park Crescent.
4. The proposed number of parking spaces was inadequate.

Councillor Papworth moved that the application be refused for the reasons given above, together with the reasons outlined in the report.

Councillor Jackson seconded the motion for refusal stating that the volume of the proposed buildings and the height of the 4-storey blocks was astonishing. It would prove difficult for drivers to navigate the surrounding roads to properties. An increase in parking would impact on neighbouring properties and the surrounding area. Councillor Jackson considered the site would benefit from some kind of development however, the current proposal was too flawed.

Councillor Michael considered the site to be highly developable but agreed that the existing proposal would be an over-development of the site and would not be capable of sustaining all the proposed flats and houses without impacting on the surrounding properties. There would be a large amount of bulk and massing of properties. The proposed play area was located too close to the gates and would be awkward to get to. Councillor Michael supported refusal as outlined by Councillor Papworth.



Referring to parking issues, Councillor Fawthrop calculated that the proposed number of dwellings would require a minimum of 200 car parking spaces and this would have a major impact on neighbours.

Councillor Mellor stated that if Members determined to refuse the application, an appeal against the decision could be submitted. With this in mind, he requested that the reasons for refusal be significantly enhanced.

Councillor Fookes considered that affordable houses should also be provided.

**RESOLVED that the application be REFUSED as recommended, for the reasons set out in the report with the addition of a further 4 reasons to read:-**

- 3. The proposed development, by reason of the amount of site coverage with buildings and hard surfaces, constitutes a cramped overdevelopment of the site at an excessive residential density contrary to Policy H7 of the Unitary Development Plan and Policy 3.4 of the London Plan.**
- 4. The proposed development, by reason of its design and layout, would be seriously out of character and scale with the surrounding area contrary to Policy BE1 of the Unitary Development Plan and Policy 7.4 of the London Plan.**
- 5. The proposed development would be seriously detrimental to the residential amenities currently enjoyed by the occupants of adjacent dwellings by reason of loss of privacy from overlooking and smells from the bin stores contrary to Policy BE1 of the Unitary Development Plan.**
- 6. The proposed development will lead to increased demand for on-street car parking in surrounding roads contrary to Policies BE1 and T18 of the Unitary Development Plan.**

Members considered the following planning application report:-

<b>Item No.</b>	<b>Ward</b>	<b>Description of Application</b>
46b (page 29)	Hayes and Coney Hall	(13/04054/FULL1) - 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 <b>at Hayes Court, West Common Road, Hayes, Bromley.</b>
--	--	---

Oral representations in support of the application were received from Mr Will Edmonds, a partner in Montagu Evans LLP who informed Members that an 18-month consultation period had been undertaken with Councillors, officers and the local community which had resulted in very significant changes being made to the scheme.

Following the public consultation event which was attended by over 50 local residents, there had been overwhelming support for the development in terms of the restoration of the listed building, the proposed design of new residential units and the high quality landscaping scheme. Only three objections had been raised by local residents, all of which focussed solely on traffic-related concerns. No objections had been raised by Highways Officers.

Mr Edmonds considered the recommended grounds for refusal were not sustainable for the following reasons:-

1. The reasons relating to ecology and impact on trees were misinformed and capable of resolution through the imposition of planning conditions.
2. In terms of overdevelopment and the perceived suburbanisation, the scale and siting of the development had been carefully designed to ensure its open nature was protected and enhanced. Importantly, the quantum of development was the minimum necessary to ensure the scheme was viable, a fact confirmed by the Council's independent viability consultants as the officer's report confirmed.
3. In the opinion of the client's Heritage Advisor, the scheme would not harm heritage assets. The alternative view presented by Council officers confirms that the harm was 'less than substantial'. Having reached this important conclusion, it would appear that the report was deficient in undertaking a properly balanced judgement on whether the perceived harm would be outweighed by public benefit despite this being a core requirement of national planning policy.

The decision for Members to make was quite simply whether any perceived harm was outweighed by the overriding planning and public benefits which included:-

- the restoration of the listed building to its original residential use;
- the demolition of inappropriate and unsympathetic extensions to the listed building, enhancing its setting;

- the removal of over 44% of the hard surfacing across the site and replacement with high quality landscaping;
- the creation of new public access through the site to the common land;
- the delivery of 24 high quality new homes; and
- a financial contribution of £275,000 towards affordable housing plus over £300,000 of other Section 106 contributions.

Mr Edmonds respectfully requested that Members overturn the officer recommendation and approve the application. If this was not possible, he urged that the application be deferred in order that further information could be provided so Members could make a properly informed decision.

Councillor Fookes asked why no affordable housing had been proposed. Mr Edmonds responded that a full viability assessment had been undertaken and this indicated that the inclusion of affordable housing would not be viable however, a sum of £275k would be offered as payment in lieu of this.

Mr Edmonds confirmed to Councillor Mrs Manning that the proposed pathway would enable the general public to gain access from West Common Road through to the common and the listed building.

Councillor Buttinger asked what value was forecast in regard to movement of the proposed houses. Mr Edmonds responded that values would be agreed as justifiable in the marketplace.

The Chief Planner commented that the Tree Officer's report expanded on comments already contained in the planning report.

Ward Member Councillor Mrs Manning made the following points:-

- This was a very important site, classed as Urban Open Space with an important Grade II Listed Building and surrounded by Green Belt.
- The prospect of all union associated buildings being removed (their removal being a major element of the proposal) was most welcome as was the plan to repair/restore the Listed Building and bring it back into an acceptable use. To achieve this however, and as to be expected, new enabling development was being sought, and it was the manner in which the latter was to be achieved that had given rise to the strong recommendation for refusal.
- Members had received letters requesting a deferral, rather than endorsing the Chief Planner's recommendation. Whilst this may be possible, Councillor Mrs Manning sensed that the necessary changes to the application could be too substantial for a deferral to be appropriate.

- The site and its layout did not make any redevelopment scheme straightforward.
- The House, its driveway and general layout of its grounds remain much as laid out in the mid 1700s, despite the many additions and changes made later, which were, by and large, confined to one corner. It was this initial layout over some two thirds of the site which required protection.
- Whilst the applicant was making good use of much of the area developed over the past 100 years or so, areas of the site not previously affected by built structures were proposed for change. Councillor Mrs Manning shared some of the concerns, but wondered whether those relating to suburbanisation could be overcome by taking a fresh look at the designs of the 6 houses, which in turn could address their proposed positions. The 6 large detached houses were in two groups, one of 4 houses to the west and 2 houses to the east. At least half of those houses would stand forward of Hayes Court, thus stepping into the garden setting. The proposed high wall around the car parking area for the flats and their service, could also impinge on this setting.
- Returning the principal drive to Hayes Court back into use was very welcome. However, this would be the main drive, serving 8 flats in Hayes Court, their car parking and service areas as well serving 6 houses, including 4 to the west of the main houses, access to the latter being entirely across the forecourt of Hayes Court itself. This activity would be seen clearly from the main house and a substantial part of the gardens.
- Whilst the applicant had already addressed earlier concerns about the impact of these houses, they needed to be looked at again and, to help move things forward, Councillor Mrs Manning proposed that the application be deferred.

Ward Member Councillor Arthur had visited the site and was disappointed to note the condition of the building. Whilst the site had previously been marketed for office use without success, it could be developed for residential use. The applicant had consulted widely and a consultation day had been well-attended. Whilst the reasons for refusal set out in the report held some validity, they could be addressed and improved. For this reason, Councillor Arthur seconded the motion to defer the application.

Councillor Fawthrop had a reasonable knowledge of the area concerned and agreed that the proposed scheme was not suitable for the site. He suggested that the applicant look at a similar development which was granted for Holwood House as this had not exceeded its existing footprint. It was important for the site to be brought back into use. Councillor Fawthrop moved that the application be refused.

Councillor Buttinger seconded the motion to refuse the application and stated that the changes required were too significant to warrant deferral. She also stated that the viability of the site could be addressed by the removal of units.

Whilst Councillor Michael understood Ward Members' desire to see the house refurbished, she considered the proposal to be an over-development of what was an environmentally sensitive site on urban open space. Essentially, the development would have the same impact here as on green belt and metropolitan open land. Councillor Michael seconded the motion to refuse the application and was in favour of a smaller scheme being proposed.

A vote in favour of deferral fell at 2-9.

**Following a subsequent vote, Members RESOLVED that the application be REFUSED for the reasons and informative set out in the report with reason 5 amended to read:-**

**'5 The proposal would bring built development into closer proximity to the group of off-site trees to the south, west 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.'**

Members considered the following planning application report:-

Item No.	Ward	Description of Application
46c (page 47)	Hayes and Coney Hall	(13/04055/LBC) - Part demolition of Hayes Court and detached outbuildings at site LISTED BUILDING CONSENT at <b>Hayes Court, West Common Road, Hayes, Bromley.</b>

The Chairman moved that the application be refused. This was seconded by Councillor Michael.

**RESOLVED that listed building consent be REFUSED for the reason set out in the report.**

#### **47 SHOP FRONT GUIDANCE**

##### **Report DRR14/046**

Members considered a draft Shopfront Design Guide for Chislehurst High Street, produced by the Chislehurst Town Team and supported by the Chislehurst Society. It was anticipated that the Guide would provide a framework for existing and new owners to deliver a sensitive approach to shop front design and signage and protect buildings from insensitive change over time.

Members considered adopting the Guide 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.

The Chairman outlined the report and commended the Chislehurst Town Team for producing an excellent report.

Councillor Boughey echoed the Chairman's commendation. She reported that the Chislehurst Town Team in conjunction with the Chislehurst Society had spent a great deal of time and effort in producing the document as could be seen in the completed article. Whilst the report could not be included in the London Plan, Councillor Boughey commended the document as a blueprint to be used as guidance for the local borough.

**RESOLVED that:-**

- 1) the content of the Chislehurst High Street Shopfront Design Guide be noted; and**
- 2) the Chislehurst High Street Shopfront Design Guide 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.**

**48 AUTHORITY MONITORING REPORT 2012/13**

**Report DRR14/045**

Members were requested to endorse Appendix 1 as the Council's Authority Monitoring Report (AMR) for 2012/13 which, as required under the Localism Act 2011 (Section 13), contained information on the plan making process, the progress and effectiveness of the Local Plan and the extent to which the planning policies set out in the Local Plan documents were being achieved.

The Chairman informed the meeting that the Council was required to publish monitoring reports on an annual basis. He was pleased to note that the Council was achieving the objectives set out in planning policies and was on track with development of The Local Plan.

Having enquired how climate change in Bromley was addressed (paragraph 3.3 on page 79 of the report), Councillor Ince was informed that this was achieved through the design of individual buildings.

Councillor Fawthrop was pleased to note that the number of homes built in the period 2012-2013 exceeded the London Plan target of 500 units.

**RESOLVED that Appendix 1 , in light of the Council's duty under the Localism Act 2011, be agreed as the Council's AMR for 2012/13.**

**49 REPORTS TO NOTE**

**49a COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATION  
2014 - UPDATE AND IMPACTS**

**DRR14/031**

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

Members were asked to contact the Planning Department with any queries.

**RESOLVED that the report be noted.**

**49b PLANNING APPEALS MONITORING REPORT (APRIL 2013 TO  
MARCH 2014)**

**Report DRR14/033**

Members were updated on planning appeals received and decided for the year 2013/2014.

Members were asked to contact the Planning Department with any queries.

**RESOLVED that the report be noted.**

**49c PLANNING APPEALS - COSTS 2013/2014**

**Report DRR14/032**

Members considered an update on the award of costs in planning appeals for the financial year 2013/2014.

Members were asked to contact the Planning Department with any queries.

**RESOLVED that the report be noted.**

**49d ENFORCEMENT MONITORING REPORT (JANUARY TO  
DECEMBER 2013)**

**Report DRR14/039**

Members were provided with an update of enforcement activity from January to December 2013.

Members were asked to contact the Planning Department with any queries.

**RESOLVED that the report be noted.**

**49e DELEGATED ENFORCEMENT ACTION  
(JANUARY TO MARCH 2014)**

**Report DRR14/037**

In accordance with agreed procedures, the report advised Members of enforcement action authorised under delegated authority for alleged breaches of planning control.

Members were asked to contact the Planning Department with any queries.

**RESOLVED that the report be noted.**

**50 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE  
LOCAL GOVERNMENT (ACCESS TO INFORMATION)  
(VARIATION) ORDER 2006 AND THE FREEDOM OF  
INFORMATION ACT 2000**

The Chairman moved that the Press and public be excluded during consideration of the item of business listed below as it was likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

**51 CONQUEST HOUSE, 25 ELMFIELD ROAD, BROMLEY BR1 1LT**

**Report DRR14/049**

Members considered whether or not to contest a planning appeal concerning the development site at Conquest House, 25 Elmfield Road, Bromley.

**Members RESOLVED to support the recommendations.**

---

As this was the final meeting of the current Municipal Year, the Chairman thanked Members and officers for their continued support.

As this was also Councillor Mrs Manning's final meeting as a Member of the DCC, the Chairman specifically thanked her for all the support and much valued contributions she had given during her 16 years as a Councillor.

The meeting ended at 8.40 pm

Chairman



## DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.56pm on 4<sup>th</sup> June 2014  
following the annual meeting of the Council

### Present:

Councillor Alexa Michael (Vice-Chairman in the chair)  
Councillors Nicholas Bennett JP, Eric Bosshard,  
Kim Botting, Mary Cooke, Peter Fookes, Ellie Harmer,  
William Huntington-Thresher, David Livett, Charles Rideout  
CVO QPM, Diane Smith, Tim Stevens JP, Pauline Tunnicliffe  
and Michael Turner

### 1 APOLOGIES FOR ABSENCE

Apologies for absence were received from councillor Peter Dean..

### 2 PROPORTIONALITY

**RESOLVED** that seats on the Sub-Committees of the Development Control Committee be allocated to political groups as follows:

Sub Committee	Size of Sub-Committee	Allocation		
		Conservative	Lab	UKIP
Plans 1	10	8	1	1
Plans 2	9	8	1	0
Plans 3	9	8	1	0
Plans 4	9	8	1	0

### 3 APPOINTMENT OF SUB-COMMITTEES

**RESOLVED** that the following Sub-Committees be appointed for the ensuing Municipal Year, with membership as indicated:-

#### (i) PLANS 1 SUB-COMMITTEE

	Councillors
1	Douglas Auld
2	Teresa Ball
3	Katy Boughey
4	Lydia Buttinger
5	Alan Collins
6	Ellie Harmer

7	Charles Joel
8	Alexa Michael
9	Ian Dunn
10	Terence Nathan

**(ii) PLANS 2 SUB-COMMITTEE**

	Councillors
1	Peter Dean
2	Nicky Dykes
3	Simon Fawthrop
4	Samaris Huntington-Thresher
5	Russell Mellor
6	Richard Scoates
7	Melanie Stevens
8	Michael Turner
9	Kathy Bance

**(iii) PLANS 3 SUB-COMMITTEE** (To include Leader or named deputy, Chairman of the Executive and Resources PDS Committee or named deputy and Chairman of the General Purposes and Licensing Committee or named deputy.)

	Councillors
1	Douglas Auld
2	Teresa Ball
3	Nicholas Bennett
4	Katy Boughey
5	Lydia Buttinger
6	Ellie Harmer
7	Charles Joel
8	Alexa Michael
9	Kevin Brooks

**(iv) PLANS 4 SUB-COMMITTEE**

	Councillors
1	Peter Dean
2	Nicky Dykes
3	Simon Fawthrop
4	Samaris Huntington-Thresher
5	Russell Mellor
6	Richard Scoates
7	Melanie Stevens
8	Michael Turner
9	Vanessa Allen

**4 APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN**

**RESOLVED that the following Councillors be appointed as Chairmen and Vice Chairmen of the Sub-Committees of the Development Control Committee for the 2014/15 Municipal Year.**

**(a) Plans 1 Sub-Committee**

Councillor Alexa Michael (Chairman)  
Councillor Charles Joel (Vice Chairman)

**(b) Plans 2 Sub Committee**

Councillor Simon Fawthrop (Chairman)  
Councillor Michael Turner (Vice Chairman)

**(c) Plans 3 Sub-Committee**

Councillor Katy Boughey (Chairman)  
Councillor Douglas Auld (Vice-Chairman)

**(d) Plans 4 Sub-Committee**

Councillor Richard Scoates (Chairman)  
Councillor Peter Dean (Vice-Chairman)

The meeting finished at 7.57pm.

*Chairman*

This page is left intentionally blank

**Application No :** 14/00660/FULL1

**Ward:**  
**Bromley Town**

**Address :** Intu Bromley The Glades Shopping  
Centre High Street Bromley BR1 1DN

**OS Grid Ref:** E: 540364 N: 169136

**Applicant :** Intu Bromley Limited

**Objections :** YES

## **Description of Development:**

Erection of a cinema (Use Class D2) on the roof of the shopping centre and the change of use of existing retail units (Use Class A1), a financial services unit (Use Class A2) and mall space (sui generis) to create new restaurant units (Use Class A3), drinking establishments (Use Class A4) and a retail kiosk (Use Class A1) within the shopping centre along with external alterations to the Elmfield Road entrance and alterations to the existing parking provision at roof level.

Key designations:

Areas of Archaeological Significance  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Bromley Town Centre Area  
Local Cycle Network  
London City Airport Safeguarding  
London City Airport Safeguarding Birds

## **Proposal**

The proposal consists of a number of changes of use and the internal reconfiguration of the area of Intu known as Regent's Arcade at ground floor level as well as the mezzanine and first floor levels providing a mix of Class A1, A3, A4, D2 and Sui Generis uses together with a two storey roof extension to provide a new 220 seat five screen cinema (Class D2) at roof level. Elevational changes are also proposed.

The development comprises:

- o 12 new Class A3 restaurant units
- o 2 new flexible Class A3 and A4 restaurant/drinking units
- o 1 Class A1 retail kiosk
- o A 1,769sqm 220 seat five screen cinema at roof level
- o The creation of 1895.5sqm of net additional floorspace
- o The loss of 1539.5sqm Class A1 floorspace, 35sqm Class A2 floorspace and 108sqm of Sui Generis floorspace

- o The gain of 1,366.5sqm Class A3 floorspace, 145sqm Class A3/A4 floorspace, 1,1769sqm Class D2 floorspace and 304.5sqm Sui Generis/mall space
- o As a result the proposal will create new Class A1, A3, A4 units:
- o 5 Class A3 units at Lower Mall level (one as existing)
- o 2 Class A3 units at Lower Mall/Mezzanine level
- o 3 Class A1 units at Lower Mall Level (two as existing)
- o 4 Class A3 units at first floor level (one as existing)
- o 2 Class A3/A4 kiosk units at first floor level
- o A full height atrium with a stairwell/escalator access to upper levels and the cinema
- o Front extension to the frontage west of the Elmfield Road entrance providing access to mezzanine above
- o New doors to access related electrical plant
- o The loss of 118 parking spaces with changes to the car park circulation

Externally the roof extension has a height of between 9.3m and 11.6m from floor of car park level 2 while this will project between 7.7m and 10.2m above the mansard roof treatment to Elmfield Road. The cinema building will be 9m from the edge of the southern entrance roof onto Elmfield Road, 41m to the roof edge above Debenhams onto Elmfield Road and 8m from the eastern roof edge to the Pavilion Leisure Centre.

The application is supported by the following documents:

- o Planning Statement
- o Design and Access Statement
- o Energy Statement
- o Noise Assessment
- o Cinema and Catering Assessment
- o Drainage Strategy
- o Transport Statement
- o Heritage, Townscape and Visual Impact Assessment
- o Sustainability Statement
- o Restaurant Ventilation Strategy Statement

The Applicant's Planning and Design and Access Statements make the following points in support of the development:

- o The application forms part of a wider investment plan in the face of changing consumer demands and competition from neighbouring centres such as Bluewater and the proposed Westfield/Hammerson in Croydon
- o The investment involves the current application, the recently granted Queen's Gardens appeal for five restaurants and a mall refurbishment and refit
- o The Queen's Gardens development represents an investment by intu Bromley of £14 million and the current proposal represents a further investment of £14 million to complement that development by providing further much needed new restaurant accommodation

- o There is an under representation of Class A3 and A5 uses with a number of these in Bromley being café, coffee shop and takeaways rather than restaurants
- o Bromley is a Metropolitan centre and must have a strong leisure and restaurant offer to reflect its position
- o Cinema admissions have grown for the last three years
- o The Cinema and Catering Assessment shows that existing cinemas in Bromley and Beckenham are trading significantly above the national average with 1.5 million trips compared to the national of 570,000
- o The two new cinema proposals in Bromley will have a significant positive impact on the vitality and viable of Bromley town centre as a whole
- o Up to 130 temporary construction jobs supported during the construction phase across a range of skill levels
- o the cinema and leisure scheme will provide approximately 105 new jobs across the hospitality and leisure sectors and 60 net additional jobs

Policy context (Applicant's Submission):

- o The BTCAAP recognises that leisure and entertainment facilities represent an important function of a thriving town centre and highlights the knock on implication of consumer spending being lost to competing centres which offer a more diverse range of activities
- o The Bromley Retail, Office, Industry and Leisure Study was published in March 2012 and reveals that eating out is now part of many people's lifestyles and there is a reluctance to give this up even in the current economic climate. Paragraph 4.6.10 states that "a broad range of food and drink offer is a key ingredient for further development in the office, leisure and hotel sectors".
- o The 2012 study shows that 8% of units in Bromley are Class A3 compared to the national average of 14%, weighted to the take-away sector and the mass pub trade for the younger market
- o The development is supported by the NPPF, the London Plan (Policies 2.6, 2.7, 2.16, 2.18, 4.6 and 4.7) and the AAP (BTC1) and the UDP (Policy L9)
- o Policy S3 is specific to Intu Bromley and permits the change of use from Class A1 to Class A3 and A4 provided the centre's retail function is not adversely affected
- o Policy S6 permits leisure development in the town centre provided the scale is appropriate to the size of the centre and would not harm viability and vitality of other nearby centres
- o The proposal will maintain the viability of Bromley with an increase in footfall and complimenting other development planned elsewhere
- o There is no prospect that the proposed development will undermine the primary retail function of the shopping centre
- o The development is in line with the London Plan and Bromley's role supporting night time economic activities
- o The character and appearance of the Bromley Town Centre Conservation Area would be preserved. The statutory tests as set out in the Town and Country Planning (Listed Buildings and Conservation Areas) Act are therefore met

- o In terms of transport the proposal is considered to accord with the policy requirements outlined by Policies T1, T2 and T5, AAP Policy BTC25 and the NPPF
- o The development, due to its nature, achieves a carbon reduction of 29.47%

#### Design and Appearance (Applicant's Submission):

- o Full consideration has been given to the creation of a high quality built development which has a positive relationship with its surrounding context
- o The proposed cinema extension will have a negligible impact on the identified character areas within the immediate surrounds of the application site, as well as the setting of adjacent heritage assets
- o The new cinema extension will be read as a new addition at roof level reflecting the use contrasting with the brick of the existing shopping centre, a simple palette of materials and simple architectural detailing will allow the building to be seen as a high quality and complementary extension to the centre

The applicant has also submitted the results of their own customer survey, which shows that of the around 300 responses, the majority consider that Bromley needs more on offer during the evenings, more family friendly restaurants, and that their proposal is generally supported.

#### **Location**

The application site is located to the southern edge of Intu fronting Elmfield Road and comprises the southern entrance and the Regent's Arcade that stretches to the main thoroughfare. The Pavilion leisure centre is to the east and The Mall to the south on the southern edge of this section of Elmfield Road.

Internally the physical alterations and changes of use relate to the Arcade at ground and upper levels through to the roof level car parking. Externally the roof extension is set to the upper car parking level.

The site falls outside of the Bromley Town Centre Conservation Area, some 75m to 100m to the west (the high street), and some 100m to the north-east (Queens Gardens). Queens Gardens also features the Listed Iron Gates some 125m to the north-east. The site is not within the Primary Shopping Frontage.

#### **Consultations**

##### Comments from Local Residents

Nearby owners/occupiers were notified of the application and objections (14) were received which can be summarised as follows:

- o A cinema is already being built in Bromley South
- o There are already enough bars in Bromley
- o Waterstones is a wonderful shop, is such a facility no longer considered necessary



- o Regents Parade offers a welcome change from the rest of the centre
- o Local residents have already been ignored over Queen's Gardens
- o Waterstones is the only bookshop in Bromley
- o With the cinema in Bromley South and the existing one in Bromley North struggling there is no business case for another cinema
- o The loss of bespoke retailers for yet more restaurants is folly
- o Bromley needs quality retail of a bespoke nature to increase footfall
- o The Intu strategy is based on being an out of town retailer
- o The loss of parking will be catastrophic for other businesses
- o Impact on windows of residents in Lownds Court
- o There is not enough parking in Bromley especially on Saturdays and Christmas
- o A bookshop is far more important than a cinema
- o There is already an existing cinema in Bromley with another coming in Bromley South and this is an over-provision.
- o This would almost certainly be the death knell for the Empire and threaten the viability of the regeneration of Bromley North
- o The design is of a low standard and will not fit well with the area
- o Bromley needs more quality shops
- o More restaurants will stifle the growth of those existing in Bromley North
- o The Glades killed off the north and south of the high street and this will happen again

The Bromley Civic Society has objected on the basis that the proposal threatens the Empire in Bromley North and that the sustainability of such a number of screens is unproven and absurd. With no consultation Intu are behaving like an out of town operator with little regard of the consequences of their actions to neighbouring traders. The cinema maybe small, but so are two of the screens of the Empire. The AAP seeks to retain existing leisure facilities and to extend their range; if the Empire closes the Council has no ability to ensure the building would retain any alternative leisure use. The design is of poor quality and harmful to the building and the conservation area.

Waterstones book shop have objected, although not to the cinema. The objection focuses upon the change of use with the loss of Waterstones' Class A1 unit and retail space in general and the provision of Class A3 uses would be contrary to Policy S9 in resulting in an overconcentration of food and drink establishments. Waterstones state that the loss of their current unit would result in them leaving the centre.

In support of the proposal (1):

- o A great development to revive a tired shopping centre
- o The design is dramatic but has little impact with the skyline being dominated by tall buildings
- o Linking evening economies of St Mark's Square with the new developments in Bromley North
- o An exciting, quirky and unexpected proposal that should be approved

In addition the applicants have provided a response to the comments received which can be summarised as follows:

- o No evidence is provided by the Bromley Civic Society that there would be an over provision of cinemas whilst the evidence submitted with the application (Cinema and Catering Study) demonstrates there is more than sufficient demand to support circa 220 seats
- o The cinema will be distinct and complement those that Bromley South and the Empire and is a quarter of the size of the Empire cinema
- o The proposed cinema will provide 53,879 new cinema trips to Bromley supporting the town centre as a whole
- o The total cinema offer as a whole will reduce the trips away from the centre
- o The extension has been designed with a simple but confident character set back from the edge of the building and restricting wider views
- o The extension must be viewed in the context of the wider architectural style of the commercial and retail heart of Bromley
- o No harm to the conservation area or the wider townscape
- o The loss of Class A1 units is intended to enhance and complement the wider retail offer by increasing footfall and preventing leakage to other centres, complimentary to the aims of the development at Bromley South
- o Some 90% of floor space in Bromley is in Class A1 use
- o A copy of the British Council of Shopping Centres 'Food and beverage: a solution for shopping centres' is provided which explains there has been a shift from retail to restaurants in town centres nationally which increases dwell time. In larger destination centres such restaurant uses are now some 15%, above that in Bromley.
- o There would be no overconcentration of Class A3/A5 uses with the total being 9.5% in Bromley including the Queen's Gardens development
- o Potential new retail tenants have persistently stated that they are reluctant to take space at Intu due to its current mix of uses
- o Intu is in discussions with Waterstones as the lease on their current premises has expired. It is hoped an agreement can be reached elsewhere within Intu, however these are not planning considerations
- o There will be more employment from the proposal than the current retail offer
- o It is not anticipated there will be any parking issues due to the variable peak times of the different uses proposed to that existing
- o There will be no impact to the residents at Lownds Court

### Comments from Consultees

Highways have commented that the vehicle trip rate for the cinema use is backed up by data from another location. The majority of the demand is in the evening when the retail demand is reduced and it is not likely to have a significant impact on the car parking availability in this regard.

The application implies that any overspill parking as a result of the loss of the 118 parking spaces can be accommodated within other car parks. This is based on the information in the Bromley Town Centre Migration Strategy. There is no information this base situation is still current. The information on the demand for

parking in Intu came from data for 3 weekdays and 3 Saturdays in April, May and June 2013. This showed that the highest parking demand was mid Saturday afternoon but at other times there was spare capacity within the car park. There are likely to be other times of the year, particularly the lead up to Christmas when demand will be higher but it may not be reasonable to cater for the spikes in demand.

Paragraph 32 of the NPPF refers to development only being prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. The town centre is well served by public transport and has PTAL accessibility of 6a. Policies in the Area Action Plan promote the use of public transport that serves the town centre. The loss of spaces is unlikely to have any demonstrable harmful consequences and therefore it is not considered to be a matter that would warrant a ground of refusal.

Transport for London have commented that they are pleased that an increase in floorspace is not accompanied by an increase in car parking. However, in removing parking provision confirmation should be received that sufficient Blue Badge parking will be retained. Cycle parking should be provided and secured by condition. To ensure safe operation of the road network a Construction Logistic Plan should be submitted by condition. No objection is raised.

Environmental Health have raised concerns about both the emissions during construction and also potential emissions due to heating and suggest resolution through the use of conditions. Additionally noise impacts can be dealt with by an adequately worded condition.

The Metropolitan Police Crime Prevention Design Advisor has stated that the development should be able to achieve accreditation and requested that the standard secured by design condition be imposed on any permission.

With regard to the impact upon the adjacent conservation area it is noted that the Intu building was designed in a pastiche traditional style which was popular at the time. Its pitched roof sections and gable elements help to relieve its bulk and disguise the flat roof parking and service areas. The proposed addition is by contrast very contemporary. Whilst relatively large, its impact would be mitigated somewhat by being set well back from the park side elevations.

APCA have commented that the proposal is not complementary to the existing building.

## **Planning Considerations**

### Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan (UDP), the Bromley Town Centre Area Action Plan (BTCAAP), the London Plan and the relevant sections of the National Planning Policy Framework:

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

- BE1 Design of New Development
- BE13 Development Adjacent to a Conservation Area
- BE8 Listed Buildings
- ER9 Ventilation
- ER10 Light Pollution
- L9 Indoor Recreation and Leisure
- S3 The Glades
- S6 Retail and Leisure Development
- S9 Food and Drink Premises
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T17 Servicing of Premises
- T18 Road Safety

Bromley Town Centre Area Action Plan:

- BTC1 Mixed Use Development
- BTC7 Theatres and Entertainment Venues
- BTC8 Sustainable Design and Construction
- BTC16 Noise
- BTC17 Design Quality
- BTC18 Public Realm
- BTC19 Building Height
- BTC21 Transport Schemes
- BTC22 Public Transport
- BTC24 Walking and Cycling
- BTC25 Parking

The London Plan:

- 2.6 Outer London: Vision and Strategy
- 2.7 Outer London: Economy
- 2.15 Town Centres
- 4.1 Developing London's Economy
- 4.6 Support for and enhancement of Arts, Culture, Sport and Entertainment provision
- 4.7 Retail and Town Centre Development
- 4.8 Supporting a Successful and Diverse Retail Sector
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.12 Flood Risk Management
- 7.4 Local Character

- 7.5 Public Realm
- 7.8 Heritage Assets and archaeology
- 7.15 Reducing Noise and Enhancing Soundscapes

The National Planning Policy Framework (NPPF), with which the above policies are considered to be in accordance and the National Planning Policy Guidance (NPPG)

## Planning History

Two applications at the Queens Gardens site are considered relevant:

Application ref. 11/03466 refused permission for single storey buildings and reconfiguration/change of use of part of shopping centre to provide 5 restaurants (Class A3), 1 kiosk unit (Class A1, A3 or A5), electricity substation; repositioned entrance to shopping centre and area of plant on roofs, with landscaping works and relocation of gates and railings on the grounds that:

"The proposal would be an overintensive development of the site, detrimental to the character and appearance of the Bromley Town Centre Conservation Area by reason of its size, site coverage, design and the loss of openness and public amenity to Queens Gardens, contrary to Policy BE11 of the Unitary Development Plan, Policy OSM of the Bromley Town Centre Area Action Plan and the Conservation Area Statement."

Application ref. 12/01339 refused permission for single storey buildings and reconfiguration/ change of use of part of shopping centre to provide 5 restaurants (Class A3), electricity substation, repositioned entrance to shopping centre and area for tenant plant on roof, with landscaping works and relocation of gate on the ground that:

"The proposal will be an over intensive development of the site, detrimental to the character and appearance of the Bromley Town Centre Conservation Area by reason of its size, site coverage, design, the loss of openness and public amenity to Queens Gardens, and be detrimental to the amenities of residential properties in the vicinity of Queens Gardens, by reason of increased evening activity resulting in noise and disturbance, contrary to Policies BE1 and BE11 of the Unitary Development Plan, Policy OSM of the Bromley Town Centre Area Action Plan and the Conservation Area Statement."

This proposal was subsequently allowed on appeal

A number of historic applications have allowed changes of use within the shopping centre from Class A1 retail to other non-retail uses. Most recently application ref. 13/03582/FULL2 granted permission for the change of use of Unit 64 from Class A1 retail to a Class A3 restaurant.

## **Conclusions**

### Change of Use

Policy S3 states that within the former Glades Shopping Centre changes of use from Class A1 to Classes A2, A3, A4 and A5 will be permitted provided the centre's primary retail function is not adversely affected with it being noted at the time the policy was created that the centre provided some 39,000sqm of retail floorspace. Of the resulting 15 new units, 3 would be Class A1 retail, with the reduction of 1538sqm of Class A1 floor space over the lower mall, mezzanine and first floor being largely converted to Class A3 and Class A3/A4 floorspace (1511.5sqm).

The lower mall, currently Regent's Arcade, will provide 3 Class A1 retail units and 6 Class A3 restaurant units. It is noted that the existing two 'inner' Class A1 units that front onto the main part of the centre (Unit 72 and Unit 84) are to be retained and enlarged, with the existing Class A3 restaurant to the west of the Elmfield Road entrance (currently trading as Café Giardino and listed as Unit 1) is also retained. The Class A3 units at Unit 1 and Unit 6 are also over two floors (lower mall and mezzanine) and form the two Class A3 units at mezzanine level. At first floor level 4 Class A3 restaurants and 2 Class A3/A4 food and drink units are proposed.

Representations have been received regarding the loss of Waterstones which currently trades from the mezzanine level and partly at first floor level. It falls to be considered whether the loss of the retail unit itself is acceptable rather than the loss the specific retail offer or the particular commercial operator of that site, which is not restricted to a bookshop or Waterstones, and could change to another retailer at any time. Members will note that Intu have made representations to the effect that the lease with Waterstones has expired and their relocation otherwise within Intu or the town centre is a commercial matter.

Whilst a number of Class A1 units would be changed to alternative uses, mainly to Class A3 restaurants, this is not considered to result in the retail function of the shopping centre as a whole being adversely affected. The primary character of the shopping centre would remain as a retail operation and it is not considered that the introduction of the proposed 12 Class A3 and Class A3/A4 units would undermine this character.

### The Town Centre and the AAP

Proposals for development outside of Opportunity Sites should be assessed against relevant planning policy and the cumulative impacts of the development taking into account those Sites within the AAP, as set out within Policy BTC1. In this case the most relevant Opportunity Sites are at Site K and the St Mark's Square development currently being implemented, Site M and the Queens Gardens development and the improvements to Bromley North Village.

The proposed restaurant uses are not considered to result in a detrimentally competing offer to those at Bromley South or Bromley North, with the increase in restaurant uses within Intu complementing the overall non-retail provision within the town centre as a whole. Within Policy BTC1 it is stated that a key part for improving the Centre's attractiveness is the enhancement of the food and beverage offer to appeal to a wider demographic and help establish Bromley as a vibrant town centre.

BTC7 seeks to encourage new entertainment venues and to extend the range and quality of leisure and entertainment facilities. It is considered that the proposed cinema would contribute positively to this policy aspiration by introducing a new entertainment venue into the middle of the town centre and creating a more active frontage to this part of Elmfield Road. This would particularly be during the evening and as such would introduce a benefit to the evening economy within the town centre as a whole. Taken cumulatively it is considered that the proposal would not undermine the intentions of the AAP or the similar developments taking place elsewhere in the town centre and would rather complement the activity and offer within the town centre as a whole during the day and into the evening.

### Cinema

In making such an assessment the introduction of an additional cinema to the town centre must be viewed within the context of the Empire in Bromley North and the new cinema development at Bromley South, together with those in nearby centres such as Beckenham and the recently approved cinema in Orpington.

Concerns have been raised as to the over-provision of cinemas within Bromley and the possible ramifications resulting from further completion. Members will be aware that market competition is not a planning consideration and that no representations have been received from with the owners of the Empire or the cinema at Bromley South within the St Mark's Square development.

The applicant has presented the proposal as differing from that currently offered within the town centre and will be marketed as a 'boutique' facility at a more luxury end of the market. This is reflected in the overall size of the cinema and the sizes of each of the five screens. It is also noted that the accompanying Cinema and Catering Assessment states that the Bromley and Beckenham cinemas are operating well above the national average of some 570,000 trips at 1.5 million. The proposed cinema is expected to generate some 54,000 cinema trips (which averages to a full 220 seat capacity for 245 days a year) and reduce trip leakage to other centres such as Croydon and Bluewater.

Although it would not be possible to condition that the proposal be a 'boutique' cinema, the evidence submitted demonstrates that there is capacity for a cinema of the scale proposed, and in this regard the proposal is considered acceptable.

### Highways

The proposal will see the loss of the 118 parking spaces at roof level due to the introduction of the cinema unit. The Transport Assessment submitted shows that at times other than mid-afternoon on Saturdays the car park has spare capacity and that any required overspill is capable of being handled by other town centre car parks. Although other times of year, such as the lead up to Christmas when demand will be higher, the Highway Engineer does not consider it is reasonable to cater for the spike in demand.

The residual cumulative impacts of the development are unlikely to be severe and no objections are made by the Council's Highways officer or Transport for London. Policy BTC25 of the AAP supports the reduction in existing non-residential parking provision and the reduction in the level of single car occupancy journeys and it is considered that the loss of 118 spaces does not conflict with this intention.

### Design

Internally the area is to be opened up through to the new roof level created by the extension for the cinema, new escalators and lifts are introduced with balconies at mezzanine level for those restaurants. This is considered to be a significant refresh of the current shopping centre and is a contemporary addition to the town centre and the shopping and leisure offer provided. Externally there are to be some relatively minor elevational changes, in particular the bringing forward of the area west of the entrance doors and it is not considered that this harms the character of the building or the area.

The principle design element is that of the roof extension. This has been designed with regard to structural limitations and consists of a light weight flat roofed cuboid design with a linear external finish; this finish will also include lighting. The design does add a degree of bulk to the roof of the shopping centre and the two styles juxtapose with the extension representing a far more modern, linear design.

The extension would be seen, in particular, from Elmfield Road (from east/west and the south), Kentish Way and from the northern part of Queens Gardens. However, from street level pedestrians would have a limited view of the new addition given that the extension is well set back from Elmfield Road (some 9m) and partly sits behind the existing roof feature that forms the corner of Debenhams as well as being set back behind the Pavilion Leisure Centre.

The NPPF attaches great weight to good design and requires that decision to ensure that developments function well and add to the overall quality of the area, establish a sense of place, optimise the potential of the site, and respond to local character and reflect the identity of local surroundings and materials while not preventing or discouraging appropriate innovation. The proposal does not reflect the character of the existing building, however the surrounding pattern of development is not uniform and it is considered that the cinema extension sits well within the wider built environment. The visual impact of the extension is relatively limited within close proximity at street level and the impact of the bulk and scale of the development is therefore largely mitigated from this perspective.

### Conclusions

Having regard to the above, Members may agree that overall the proposed development will have a positive impact on the town centre and is acceptable on balance. Accordingly it is recommended that planning permission be granted, subject to the conditions detailed below.



Background papers referred to during production of this report comprise all correspondence on the file ref. 14/00660 and that set out in the Planning History section above, excluding exempt information.

as amended by documents received on 24.04.2014 19.05.2014

**RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

**Reason: Section 91, Town and Country Planning Act 1990.**

- 2 Details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area**

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.**

- 4 Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.**

**Reason: In order to comply with Policy T7 and Appendix II.7 of the Unitary Development Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.**

- 5 Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site**

and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

**Reason:** In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 6** Details of a scheme of lighting (including the appearance, siting and technical details of the orientation and screening of the lights and the means of construction and laying out of the cabling) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced, and the approved scheme shall be implemented before the development hereby permitted is first occupied. Thereafter the approved scheme shall be permanently maintained in an efficient working manner and no further lighting shall be installed on the site without the prior approval in writing by the Local Planning Authority.

**Reason:** In order to comply with Policy ER10 of the Unitary Development Plan and in the interest of amenity and public safety.

- 7** No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the Local Planning Authority. The rating level of the noise emitted from such plant shall not exceed 35 dBA between 2300 and 0700 hours and 38 dB between 0700 and 2300 hours. The noise levels shall be determined by measurement or calculation at the nearest noise sensitive premises, by a method approved by the Local Planning Authority. The measurements and assessment shall be made according to BS 4142:1997.

**Reason:** In the interests of the amenities of neighbouring properties and in order to comply with Policy 7.15 of the London Plan.

- 8** The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific needs of the application site and the development. Details of these measures shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted, and implemented in accordance with the approved details. The security measures to be implemented in compliance with this condition shall achieve the "Secured by Design" accreditation awarded by the Metropolitan Police.

**Reason:** In the interest of security and crime prevention and to accord with Policy BE1 of the Unitary Development Plan.

- 9 Detailed plans of the technical specification of the ductwork and equipment comprising all commercial kitchen extraction systems (which shall include measures to alleviate fumes and odours and incorporating activated carbon filters) associated with the approved A3 (restaurant/café) units shall be submitted to the Local Planning Authority for approval; after the systems have been approved in writing by or on behalf of the Authority, they shall be implemented in accordance with the approved details before the use hereby permitted first commences and shall thereafter be permanently maintained in an efficient working manner.**

**Reason: In order to comply with Policies S9 and ER9 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.**

- 10 Before any works on site are commenced, a site-wide energy assessment and strategy for reducing carbon emissions shall be submitted to and approved by the Local Planning Authority. The results of this strategy shall be incorporated into the final design of the buildings prior to first occupation. The strategy shall include measures to allow the development to achieve a reduction in carbon emissions of 25% above that required by the 2010 building regulations.**

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

**You are further informed that :**

- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).**

**If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.**

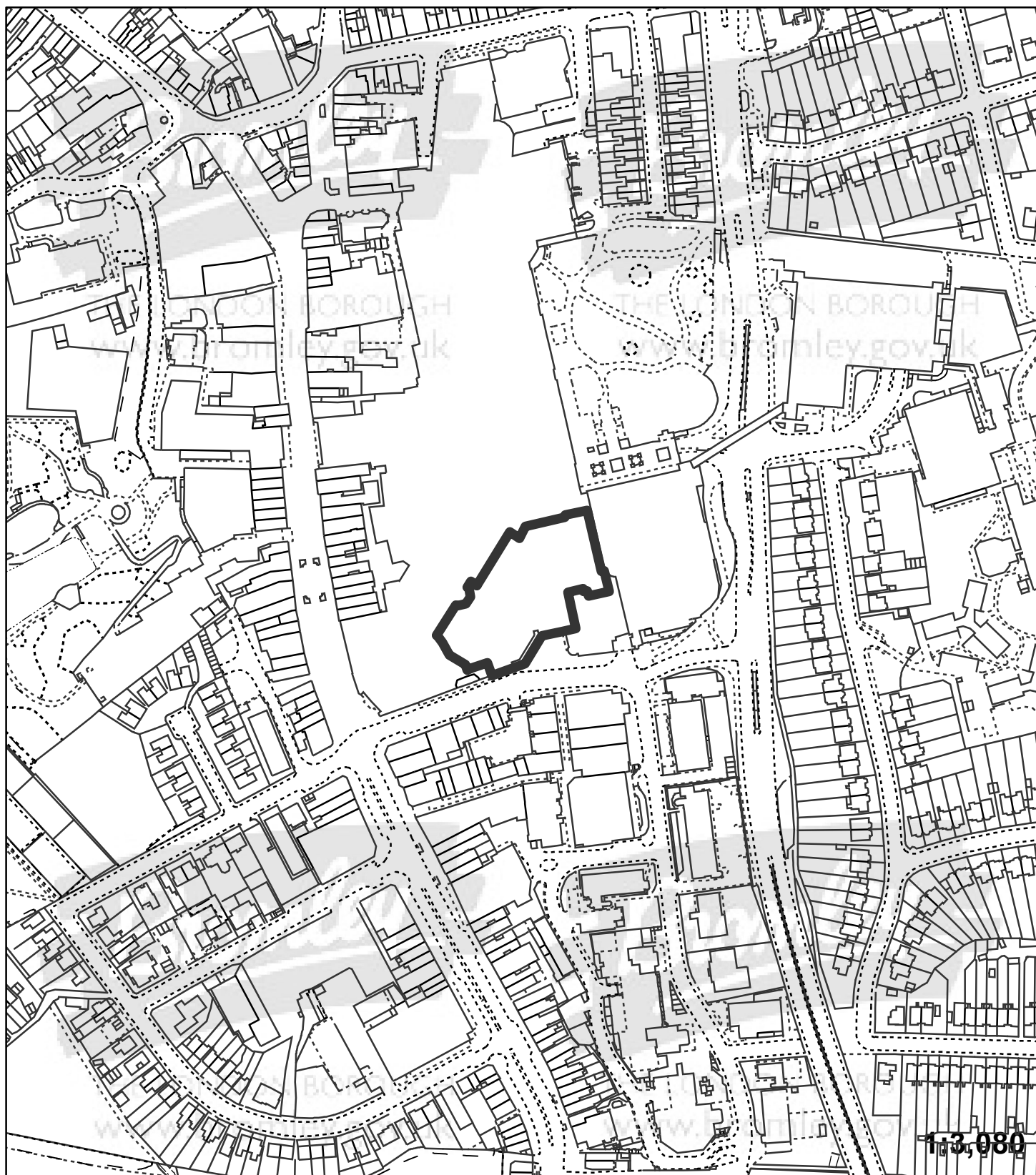
**Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)**

This page is left intentionally blank

**Application:**14/00660/FULL1

**Address:** Intu Bromley The Glades Shopping Centre High Street  
Bromley BR1 1DN

**Proposal:** Erection of a cinema (Use Class D2) on the roof of the shopping centre and the change of use of existing retail units (Use Class A1), a financial services unit (Use Class A2) and mall space (sui generis) to create new restaurant units (Use Class A3), drinking establishments



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

This page is left intentionally blank

**Application No :** 14/00544/FULL6

**Ward:**  
**West Wickham**

**Address :** 32 Copse Avenue West Wickham BR4  
9NR

**OS Grid Ref:** E: 537699 N: 165390

**Applicant :** Mr Marino

**Objections :** YES

## **Description of Development:**

**Part one/two storey side/rear and single storey front extensions**

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Flood Zone 2  
London City Airport Safeguarding  
Open Space Deficiency

This application was deferred by members of Plans Sub-Committee 4 on 15<sup>th</sup> May 2014 to be considered by the Development Control Committee in order for the Committee to assess the implication of planning policy, particularly in regard to side space, on development. The full text of Policy H9 is provided in the next paragraph, and the previous report is repeated below.

## **“SIDE SPACE**

### ***POLICY H9***

***When considering applications for new residential development, including extensions, the Council will normally require the following:***

- (i) for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building; or***
- (ii) where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space. This will be the case on some corner properties.***

4.26 The Council considers that the retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. It is important to prevent a cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas. Proposals for the replacement of existing buildings will be considered on their merits.”

## **Proposal**

Permission is sought for a part one, part two storey side extension and a single storey rear extension.

At ground floor level the side extension has a width of 2.5m with a projection of 1.3m forward of the principal elevation. At first floor the side extension has a width of 2.5m to the front and 5.5m to the rear with a 3m projection beyond the existing rear wall. A side space of 1m is stated for the full length and height of the side element.

The rear extension has a depth of 3m to the southern boundary with a width of 3m.

The existing hipped roof is extended over the side and rear extension with this design replicated to the front and rear extensions at ground floor level.

## **Location**

The application site is located to the western edge of Copse Avenue just south of the junction with Oaklands Avenue to the eastern edge. The site features a two storey semi-detached dwelling with a single storey attached garage to the northern flank wall. The rear garden is located within Flood Zone 2 with The Beck river set beyond the western boundary.

## **Consultations**

### Comments from Local Residents

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

- o Harmful impact on amenities due to noise, disturbance, overlooking, loss of privacy and overshadowing
- o Out of scale and over bearing compared to other semi-detached extensions in the vicinity
- o Unacceptably high density/overdevelopment
- o Loss of garden land in relation to woodland setting and open aspect
- o Harmful to character of neighbourhood
- o Negative impact on water table

### Comments from Consultees

Highways have raised no objection given the spaces available to the front for parking.

## **Planning Considerations**

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



BE1 Design of New Development  
H8 Residential Extensions  
H9 Side Space  
T3 Parking

Supplementary Planning Guidance 1: General Design Principles  
Supplementary Planning Guidance 2: Residential Design Guidance

The National Planning Policy Framework 2012

## **Planning History**

There is no planning history for the property. However, Members will note that a similar application has been submitted by the owners of the adjoining semi at No.34, reference 14/00532 which is also on this agenda for consideration.

## **Conclusions**

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

The neighbouring property at No.34 does not benefit from a rear extension, although one of 3m is applied for. The depth of 3m being proposed is not considered to result in any significant harm to the amenities of the residents at No.34 to the south or No.30 to the northern boundary.

The ground floor side element replaces the existing development located to this boundary and given the presence of this existing built form it is considered that this would have no further impact upon the residents of that property. A relatively small forward projection is proposed, however the design is considered sensitive to the host dwelling and the vernacular of the area.

The loss of the existing garage would reduce the parking available, however the front of the property can comfortably accommodate two vehicles and it is not considered that the loss of the garage warrants a refusal of the application on this basis.

Policy H9 requires a side space of 1m to the boundary for all developments of two or more storeys for the full height and length of the development. The proposal achieves this separation and the roof design and building lines are considered to be acceptable and would not harm the character of the host dwelling, the pair of semis or the host dwelling. Existing first floor flank windows are to be replaced with two obscure glazed windows - non-opening below 1.7m above floor level - serving a bathroom and en-suite. It is not considered, therefore, that any overlooking or harm to the amenities of the residents at No.36 would result from the proposal.

The main impact from the development would result from the first floor rear element, which has a projection of 3m beyond the rear wall of the dwelling and is

located above the side and rear elements. A distance of 3.5m is allowed for to the southern boundary with No.34 and this is considered sufficient given the orientation of the dwellings and the depth proposed. To the northern boundary the 1m side space would be maintained and it is noted that the rear building line of No.30 is further west than that of No.32 with the rear wall of the first floor element proposed to being in-line with that of No.30. given this relationship it is not considered that the introduction of the first floor rear element would result in overshadowing to No.30 or a loss of daylight to a harmful degree.

A single first floor rear window is currently located to this part of No.32 and this would be replaced by one larger window. The level of overlooking is considered normal for dwellings in such residential settings and would not be beyond that already experienced from the existing windows. Concerns have been raised regarding noise and disturbance, however it is not considered that this would be so over and above the normal occupation of a residential dwelling or the existing garden area as to warrant refusal or cause unacceptable harm to the amenities of the residents at No.30.

The overall development is not considered to result in an over-development of the site or an unacceptable loss of garden land and is considered to maintain the integrity of the existing dwelling without harming the character of the area.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) DC/14/00544/FULL6 set out in the Planning History section above, excluding exempt information.

#### **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

**Reason:Section 91, Town and Country Planning Act 1990.**

- 2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

**Reason:In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.**

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

**Reason:**In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 4** Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

**Reason:**In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

This page is left intentionally blank

**Application:** 14/00544/FULL6

**Address:** 32 Copse Avenue West Wickham BR4 9NR

**Proposal:** Part one/two storey side/rear and single storey front extensions



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

This page is left intentionally blank

**35.4**

**(14/00544/FULL6) - 32 Copse Avenue,  
West Wickham.**

**WEST WICKHAM**

Description of application - Part one/two storey side/rear and single storey front extensions.

Oral representations in objection to the application were received at the meeting. Councillor Simon Fawthrop quoted Policy H9 of the Unitary Development Plan that required a minimum of 1 metre side space and he requested that this policy should be quoted correctly in future reports.

Members having considered the report, objections and representations, **RESOLVED that the application BE DEFERRED**, without prejudice to any future consideration, to be considered at a future meeting of Development Control Committee in order for the Committee to assess the implication of planning policy, particularly in regard to side space, on development.

This page is left intentionally blank



Report No.  
CSD14095

## London Borough of Bromley

### PART ONE - PUBLIC

---

**Decision Maker:** DEVELOPMENT CONTROL COMMITTEE

**Date:** Wednesday 9 July 2014

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

**Title:** LAND AT UPPER ELMERS END ROAD & CROYDON ROAD -  
APPLICATION FOR REGISTRATION AS A TOWN OR VILLAGE  
GREEN

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

**Chief Officer:** Director of Corporate Services

**Ward:** Kelsey and Eden Park;

---

1. Reason for report

The Council is the Registration Authority for town and village greens within its area. Section 15 of the Commons Act 2006 provides that land can become a new green if a significant number of the inhabitants of any locality or any neighbourhood within a locality have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years. They must continue to do so at the time of the application or meet the alternative qualifying period specified in section 15. The Council received an application dated 30<sup>th</sup> August 2013 to register land comprising the triangular area of ground bounded by Upper Elmers End Road, Croydon Road and Elmerside Road in Elmers End on the basis that it has become a Town Green. After completion of the statutory requirements, it is the duty of the Council as registration authority to decide whether or not the area should be registered as a new Town or Village Green, or whether to cause a public inquiry to be held for an Inspector to make a recommendation in this respect. The purpose of the report is to set out the legal position and the evidence for members to make that decision.

---

2. **RECOMMENDATION(S)**

**To decline to register the land as a new town or village green for the reasons set out in the report.**

### Corporate Policy

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

### Financial

1. Cost of proposal: Not Applicable:
  2. Ongoing costs: Not Applicable:
  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: This report does not involve an Executive decision
- 

### 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

Land, once registered as a Town or Village Green, will remain available for continued enjoyment by the inhabitants for recreational use. Registration does not in itself confer any recreational rights that did not exist prior to registration. The practical effect of registration is only to confirm the existence of such rights. Consequently, a registered Village Green is held in the same way as any other land and, although nothing should be done which would interfere with the lawful recreational activities of the local inhabitants, the owner is not required to maintain it in a suitable state for such activities. A significant consequence of registration is that the land cannot be developed in such a way as would make it impossible to exercise those rights

There is a legal framework which must be applied to any application for such a registration.

#### **3(1) Requirements of S15 of the Commons Act 2006**

The application was made by Marie Pender in terms of S15(2), which states:

##### *15 Registration of greens*

*(1) Any person may apply to the commons registration authority to register land to which this Part applies as a town or village green in a case where subsection (2), (3) or (4) applies.*

*(2) This subsection applies where—*

*(a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and*

*(b) they continue to do so at the time of the application.*

The burden of proof lies on the applicant to establish to the civil standard of balance of probabilities. Thus, in order to fulfil this requirement, the applicant must prove the various elements of the requirements, namely:

a) “A significant number...”

This does not necessarily mean substantial, but should be sufficient to indicate that their use of the land signifies that it is in general use by the local community for informal recreation, rather than occasional use by individuals as trespassers. Provided that a significant number of the inhabitants of the claimed locality or neighbourhood are among the users, it does not matter that many come from elsewhere. The requirement is to establish a clear link between the locality or neighbourhood and the proposed town or village green.

b) “... of the inhabitants of any locality...”

A “locality” cannot be created by drawing a line on a map. It must be some division of the county known to law, such as a borough, parish or manor.

c) “...or of any neighbourhood within a locality...”

Where a locality is relied on, for instance a town, it can be a relevant locality even if it is not (or is no longer) a recognisable local government unit.

d) “... have indulged as of right...”

As of right means that it is not use by force, stealth or with the licence of the owner. This does not turn upon the subjective belief of the users. The use must be judged objectively, from the standpoint of a reasonable owner.

e) "... in lawful pastimes..."

This is a composite expression which includes informal recreation such as walking, with or without dogs, and childrens play. Use that is more in the nature of a right of way, a cut-through or a shortcut will not fall to be considered as a lawful sport or pastime

f) "...on the land..."

"Land" is defined as including land covered by water, but is generally accepted as excluding buildings.

g) "...for a period of at least 20 years..."

The relevant use must generally continue throughout the whole of the 20 year period.

h) "...and they continue to do so at the time of the application."

In order to satisfy the criteria in S15(2) the qualifying use must continue at the date of the application.

### **3(2) The application and supporting evidence**

The application may be made by any person, and should be done by completion and service of the Form 44, which contains an affidavit in support of the application and a map showing the location of the land in question.

Marie Pender, an individual who advised that she was representing the West Beckenham Residents Association made the application. There was no supporting documentation from the residents association, but this simply meant that Ms Pender should be regarded as the applicant. This has no bearing on the substance of the application.

A map was submitted showing the area in question, and the applicant identified the "locality or neighbourhood as Elmers End.

A supporting statement and statutory declaration were submitted by the applicant, together with a historic map and photographs showing the area in 1928, and a sign erected there in 1998.

The application fulfilled the basic requirements and was accepted by the Council as Registration Authority. The applicant was given the opportunity to submit evidence in support of the application, but did not do so. The Registration Authority therefore proceeded with publicising the application and requesting comment from the public.

During the consultation period **one letter in support** of the application was received. This stated that the writers had lived in Beckenham since 1977 and that they "...can confirm that the land noted has been used lawfully by a significant number of local inhabitants for these 36 years or more". The writer also stated that they had a grandparent who lived in Elmers End after the Great War and had a parent who was born in St Margaret's Road in 1923.

### **3(3) Opposing submissions**

In the consultation period, **one letter of objection** to the application was received. The writer stated that they had "...lived in Beckenham for more than 20 years and do not remember seeing the land used for lawful sports and pastimes as mentioned in the public notice in that amount of time, it does not lend itself easily to be used for games as it has roads as boundaries and no fences." The writer goes on to say that they regard the area as a roundabout with grass and flower beds, with a building in the middle which used to be public toilets, which have been closed.

The London Borough Bromley in its capacity as landowner was advised of the application.

They responded within the consultation period as follows:-

1. "The application is currently deficient as there is no evidence whatsoever that a significant number of local residents have used the land for lawful games and pastimes; the applicant merely asserts that they have done so with no supporting evidence.
2. The plan supplied does not show the current layout of the site – I have attached a plan and aerial photograph taken from our current digital mapping system, which shows a fourth footpath crossing the land and also a reasonably substantial building in the middle of it. The building consists of the former public toilets, which have been closed down and which we are currently in the process of selling.
3. As the Inspector in the Queens Gardens TVG inquiry found (paras 56 and 57 of his report), buildings are not 'land' for the purposes of the Commons Act 2006 and should not be registered as new town greens; the toilet block must therefore be taken out of the application.
4. The application land includes public highway, as it covers the footpath running around the majority of the site. This cannot be village green as it is highway and used for passage and repassage. You may wish to check the status of the footpaths running across the land with highways."

In addition, they made the following comment in their capacity as highway authority:-

"The grassed area is surrounded by adopted highways and is maintained under the maintenance contract. The public obviously have full access to it. Having spoken to colleagues we are of the opinion that it is part of the maintainable highway. As highway it would be open and available for the public to use and the Council would maintain it..."

### **3(4) The applicant's response**

Having received all of the above mentioned documentation, a copy was sent to the applicant together with a draft of the substance of this report, advising her of the analysis and conclusions which follow this section, and the recommendation for declining to register the land as requested. The applicant was invited to make any further submissions in respect of these documents and responded with the following points:-

- "
- I made the application as Chair of the West Beckenham Residents Association. I am sorry if I did not make my position with the Association clearer.
  - You state that the plan supplied does not show the current layout of the site. The plan is a download of the current Ordnance Survey map of Elmers End Green. We were required to provide such a map (scale 1:2500 and showing the land in question in colour) under Q5 of the application form, but there was no requirement to show further detail.

- We do not consider the Green to be part of the Highway itself, but a long standing piece of open land. We consider the highway to run around the Green, which is designated under Bromley's Unitary Development Plan as protected Urban Open Space, not a highway. Part of this land is being sold to a third party and therefore is presumably not part of the "Highway", so the rest of the green space is also not part of the "Highway" "

Ms Pender also seeks to address this committee.

The points raised in this response can be dealt with as follows:-

The first and second comments address points which have had no part in the consideration of the application. The mention of the building on the site is a separate matter and the fact that it was not shown on the applicant's plan is not significant in consideration of its status.

The part of the land which is being sold to a third party comprises a building which cannot be considered as "land" for the purposes of the statute, The rest of the application site will continue to be held and maintained as it is at present, with access permitted to the public.

### **3(5) Analysis**

Having made a valid application, it is for the applicant to show, on the balance of probabilities, that the application land fulfils all the criteria for registration.

The tests mentioned in part 1 of this document should therefore be applied.

a) "A significant number..."

The applicant has stated that residents of Elmers End have indulged in lawful sports for the requisite period of time. This was repeated by the writer of the supporting letter.

Neither of these statements is supported by evidence of numbers of users. There have been no supporting statements other than as detailed in this report, and no one came forward as a result of the publication of the application other than the writer referred to.

If we are to take it that the applicant and the supporting letter writers (2 signatories to the letter) have used the area as required, for the requisite time, this does not amount to a body of evidence that a significant number of people have done so.

There would therefore appear to be a lack of evidence to support this aspect of the definition

b) & c) "...of the inhabitants of any locality or of any neighbourhood or locality..."

Similar comments apply as in relation to the first point. With a lack of supporting evidence, it is difficult to take these points any further.

There would therefore appear to be a lack of evidence to support this aspect of the definition

d)"... have indulged as of right..."

In relation to this aspect of the definition, attention must be paid to the second comment by the Council in their capacity as highway authority.

As a highway, the right to access the area would be "by right" (ie in exercise of a legal right to do so, as opposed to "as of right".(ie without permission, force or secrecy).The public is

entitled to do anything reasonable on highway land which does not interfere with the right to pass and repass. Such activities can include lawful sports and pastimes.

In a case decided this year [*R(Barkas) v North Yorkshire County Council*], the Supreme Court decided that “...where the owner of the land is a local authority which has lawfully allocated land for public use (whether for a limited period or for an indefinite period), it is impossible to see how, at least in the absence of unusual additional facts, it could be appropriate to infer that members of the public have been using the land “as of right”, simply because the authority has not objected to their using the land. It seems very unlikely that, in such a case, the legislature could have intended that such land would become a village green after the public had used it for 20 years. It would not merely be understandable why the local authority had not objected to the public use; it would be positively inconsistent with their allocation decision if they had done so. The position is very different from that of a private landowner, with no legal duty and no statutory power to allocate land for public use, with no ability to allocate land as a village green, and who would be expected to protect his or her legal rights.”

This would therefore appear to preclude the registration in terms of the application.

e) “...in lawful pastimes...”

This must be more than use that is in the nature of a right of way, but can include walking, football or bird watching for example. The applicant has not given any indication of the activities which it is claimed would constitute “lawful pastimes”. There would therefore appear to be no evidence to support this aspect of the definition.

The application statement refers to the recording of the land as meadows, footpaths and fields in historic records, and refers to the installation of an ornamental sign marked “Elmers End” on the land, together with some tree planting, co-funded by the local authority. It is questionable whether these activities would be classed as “lawful pastimes” in relation to the definition. In addition, they would appear to have been done with the active support of the Council as landowner, which goes back to the distinction between “by right” and “as of right”).

Similarly, the applicant makes reference to the display of captured German trophies at the end of the First World War. It is questionable if this would come under the heading of “lawful pastimes” notwithstanding the point that this was not a continuing activity.

There would therefore appear to be no evidence to support this aspect of the definition

f) “...on the land...”

If there was sufficient evidence to support the other elements of the application, the plan would require to be amended to exclude the building, and possibly also the defined footpaths, particularly those at the edges of the area shown on the applicant’s plan

g) & h) “...for a period of 20 years and they continue to do so at the time of the application”

Reference should be made to points a – e above.

There would therefore appear to be no evidence to support this aspect of the definition.

**3(6) Conclusions**

As may be seen from the analysis above, it is not considered that the application can succeed.

In the first instance, the land is regarded as maintainable highway, the definition of which is “an area of land which the public at large have the absolute right to use to ‘Pass and Repass without let or hindrance”. The recent Supreme Court decision indicates that land which is held by a local authority for a purpose which allows the public to have access to it, is likely to be used “by right” as opposed to “as of right”.

This being the case, it would appear that the application falls at this hurdle.

For the sake of completeness, it would appear that, even if this were not the case, the application would fall generally in relation to the other strands of the test as there is a lack of supporting evidence as to the nature and extent of the claimed use of the land.

**3(7) Options**

The Council as Registration Authority may decide to register or decline to register the land as a new Town or Village Green on the basis of the application and the evidence before them.

Alternatively, the Council may wish to cause a Public Inquiry to be held before a suitably qualified Inspector. If an inquiry is held, the Inspector would consider the application and evidence, hear witnesses, and apply the law to the facts and then report to the Council with a recommendation as to whether or not to register the land as a new Town or Village Green.

If the applicant or landowner is not satisfied with the outcome of the application, the remedy open to them is to seek a judicial review of the decision of the Council as registration authority.

**4. FINANCIAL IMPLICATIONS**

If a Public Inquiry is to be held, the cost could amount to £15 – 20,000.

**5. LEGAL IMPLICATIONS**

Addressed in the body of the report

**6. PERSONNEL IMPLICATIONS**

If there was to be a Public Inquiry, then one member of staff would be required to act on behalf of the Council as Registration Authority and one on behalf of the Council as landowner, together with any staff required as witnesses.

<b>Non-Applicable Sections:</b>	Policy Implications
Background Documents: (Access via Contact Officer)	The file containing the application and other documents referred to in this report may be obtained from the writer and will be available to members prior to the committee



Report No.  
DRR/14/064

## London Borough of Bromley

### PART ONE - PUBLIC

---

**Decision Maker:** DEVELOPMENT CONTROL COMMITTEE

**Date:** 9th July 2014

**Decision Type:** Non-urgent Non-Executive Non-Key

**Title:** LAND AT NEW BARN LANE, WESTERHAM PROPOSED  
ARTICLE 4 DIRECTION

**Contact Officer:** John Stephenson, Acting Planning Investigation Development Control  
Manager: Tel: 020 8461 7887 Email: john.stephenson@bromley.gov.uk

**Chief Officer:** Chief Planner

**Ward:** Darwin

---

#### 1. Reason for report

- 1.1 An area of land at New Barn Lane, Westerham has recently been advertised for sale as separate parcels of land, on the internet.
- 1.2 The land comprises approx. 50 acres of land which has in recent years been used for agriculture. The land is within the Green Belt where there is a presumption against inappropriate development unrelated to agriculture or other uses appropriate to the Green Belt and part of the land is designated Area of Outstanding Natural Beauty (AONB). Although the land is considered to have no development potential in the foreseeable future there is concern that it may be fragmented and sold in the form of separate plots. In this way its open, rural character could be eroded by uncontrolled development which would normally not require planning permission.
- 1.3 It is therefore considered expedient to make an Article 4 Direction to remove certain classes of 'permitted development' as there is concern that sub-division of the 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.

---

#### 2. RECOMMENDATION(S)

- 2.1 To the Portfolio Holder that Article 4 Directions be made on land at New Barn Lane as indicated on the attached plan (Appendix 1) 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 of 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);
- (v) use of land as a caravan site (Class A of Part 5)

For (i) and (iv) above, this would be a direction with immediate effect and for (v) the earliest possible effect (as explained further in section 7 of the report).

## Corporate Policy

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

## Financial

1. Cost of proposal: Cannot be quantified at this moment in time
  2. Ongoing costs: Non-Recurring Cost
  3. Budget head/performance centre: Planning and Renewal
  4. Total current budget for this head: £1.8m
  5. Source of funding: Existing revenue budget 2014/15
- 

## Staff

1. Number of staff (current and additional): 62 ftes
  2. If from existing staff resources, number of staff hours: 5
- 

## Legal

1. Non-Statutory - Government Guidance
  2. Call-in: Not Applicable:
- 

## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): approx..40  
householders in surrounding area
- 

## Ward Councillor Views

1. Have Ward Councillors been asked for comments? The Report follows concerns raised by the Ward Member
2. Summary of Ward Councillors comments: A Direction should be made to protect the open land.

### 3. COMMENTARY

- 3.1 The land at New Barn Lane comprises 50 acres of agricultural land as indicated on the attached plan (Appendix 1). The land is within the Green Belt and partly in an Area of Outstanding Natural Beauty (AONB) and retains its open, rural character. The small residential enclave around Horn Green lies to the east of New Barn Lane but the character of the surrounding area is otherwise open countryside predominantly in agricultural use.
- 3.2 In 2014 part of the land has been offered for sale in 15 lots. Given the location within the Green Belt and the general presumption against inappropriate development there is very little prospect of the land being released for development in the medium to long term. An area of hardstanding/access was recently developed and the related enforcement matters are already the subject of separate consideration.
- 3.3 As the land has very limited potential for new development there are concerns that plots may be used for a variety of inappropriate uses or forms of development which do not require planning permission. In other parts of the Borough where similar threats have arisen – such as Snag Lane, Shire Lane and Keston Fruit Farm - Directions have been made under Article 4 of the GPDO to remove permitted development rights for certain classes of development which would otherwise not require permission but could erode the rural character and openness of the countryside. Article 4 Directions have also been in place at Walden's Farm and Layhams Road for many years and have had some positive impact in preventing the erosion of amenity.
- 3.4 The land at New Barn Lane forms part of an extensive area of open countryside within the Green Belt, which serves an important Green Belt function in maintaining its open character and preventing the coalescence of adjoining settlements. It has considerable landscape value including the AONB which the Council has a duty to protect and is at present largely devoid of urban intrusion, other than several isolated dwellings and farm buildings. The land is or has been used for agriculture and generally retains its open character.
- 3.5 Sub-division into plots threatens to undermine the character and appearance of the landscape by the erection of fencing, structures, temporary uses of land and other forms of development which would be permitted development under the General Permitted Development Order, over which the Council would otherwise have no control.
- 3.6 The land makes a significant contribution to the openness of the Green Belt and AONB its appearance and character could be materially harmed by unrestricted development which would normally fall beyond the scope of planning control. There are no proposals to release this Green Belt land for development.
- 3.7 The specified classes of permitted development for which it would be appropriate to bring within planning control at New Barn Lane are considered to be:
- (i) Erection or construction of gates, fences walls or other means of enclosure (Class A of Part 2);
  - (ii) Formation, laying out and construction of a means of access ... (Class B of Part 2);
  - (iii) Provision of temporary buildings, etc. (Class A of Part 4);
  - (iv) Use of land for any purpose for not more than 28 days per year (Class B of Part 4);
  - (v) Use of land as a caravan site ... (Class A of Part 5).
- 3.8 Development which would normally be permitted under Part 6 ("agricultural permitted development") may also potentially threaten the protection of the land. This would include the

erection of agricultural buildings, engineering operations, excavations and provision of hard surfaces for the purposes of agriculture. However, as the lawful use of the land remains agriculture which is an appropriate Green Belt use, it is considered that the provisions for prior notification for agricultural buildings and related development provide sufficient control, which include a requirement for such development to be for a legitimate agricultural business.

#### **4. COMPENSATION**

4.1 Local Planning authorities are liable to pay compensation to landowners who would have been able to develop under the PD rights that an Article 4 Direction withdraws, if they:

- Refuse planning permission for development which would have been permitted development if it were not for an Article 4 Direction; or
- Grant planning permission subject to more limiting conditions than the GPDO would normally allow, as a result of an Article 4 Direction being in place.

4.2 Compensation may be claimed for *abortive expenditure* or other loss or damage *directly* attributable to the withdrawal of PD rights.

4.3 'Abortive expenditure' includes works carried out under the PD rights before they were removed, as well as the preparation of plans for the purposes of any work. The amounts involved under this may be modest but could accumulate over time and become burdensome

4.4 Loss or damage directly attributable to the withdrawal of permitted development rights would include the depreciation in the value of land or a building(s), when its value with the permitted development right is compared to its value without the right.

4.5 In this case, the immediate withdrawal of permitted development rights could attract claims. The risk of numerous claims is not assessed as high, based on the minimal amount of development to date. The Direction with immediate effect is recommended so as to prevent damage to the landscape and Green Belt objectives, in response to the advertising of plots on the internet and a specific incident of installation of an access/hardstanding. It is difficult to be precise about the scale of possible compensation but it is in proportion to the type of Permitted Development rights that are withdrawn. In this instance, these are the rights set out in paragraph 3.10 above, which we can indicate are relatively low in value when compared with other forms of development. This risk should also be considered against the possible damage to the planning objectives for the landscape and Green Belt.

#### **5. POLICY IMPLICATIONS**

5.1 The strategic objectives of the UDP, adopted in July 2006, include: "To protect, promote, enhance and actively manage the natural environment, landscape and biodiversity of the Borough. Also: "To protect the Green Belt, ... from inappropriate development ...". The making of an Article 4(1) direction is consistent with those objectives and with the objectives of the AONB.

#### **6. FINANCIAL IMPLICATIONS**

6.1 As referred to above, the withdrawal of permitted development rights for certain classes of development as a result of issuing an immediate Article 4 Direction, may give rise to claims for compensation by land owners in certain circumstances, for example in the event of planning permission being refused for development which would otherwise not require permission. To attract a claim for compensation the application for permission must be made before the end of 12 months beginning with the date on which the Direction takes effect.

- 6.2 At this moment in time, it is not possible to quantify the number or value of claims that may be submitted for compensation, however planning officers consider there to be a low risk of numerous claims being submitted based on the minimal amount of development to date. Also, the rights being withdrawn are relatively low in value when compared with other forms of development.
- 6.3 It is possible to avoid a claim for compensation by giving the prescribed notice of not less than 12 months of the withdrawal of the permitted development rights.

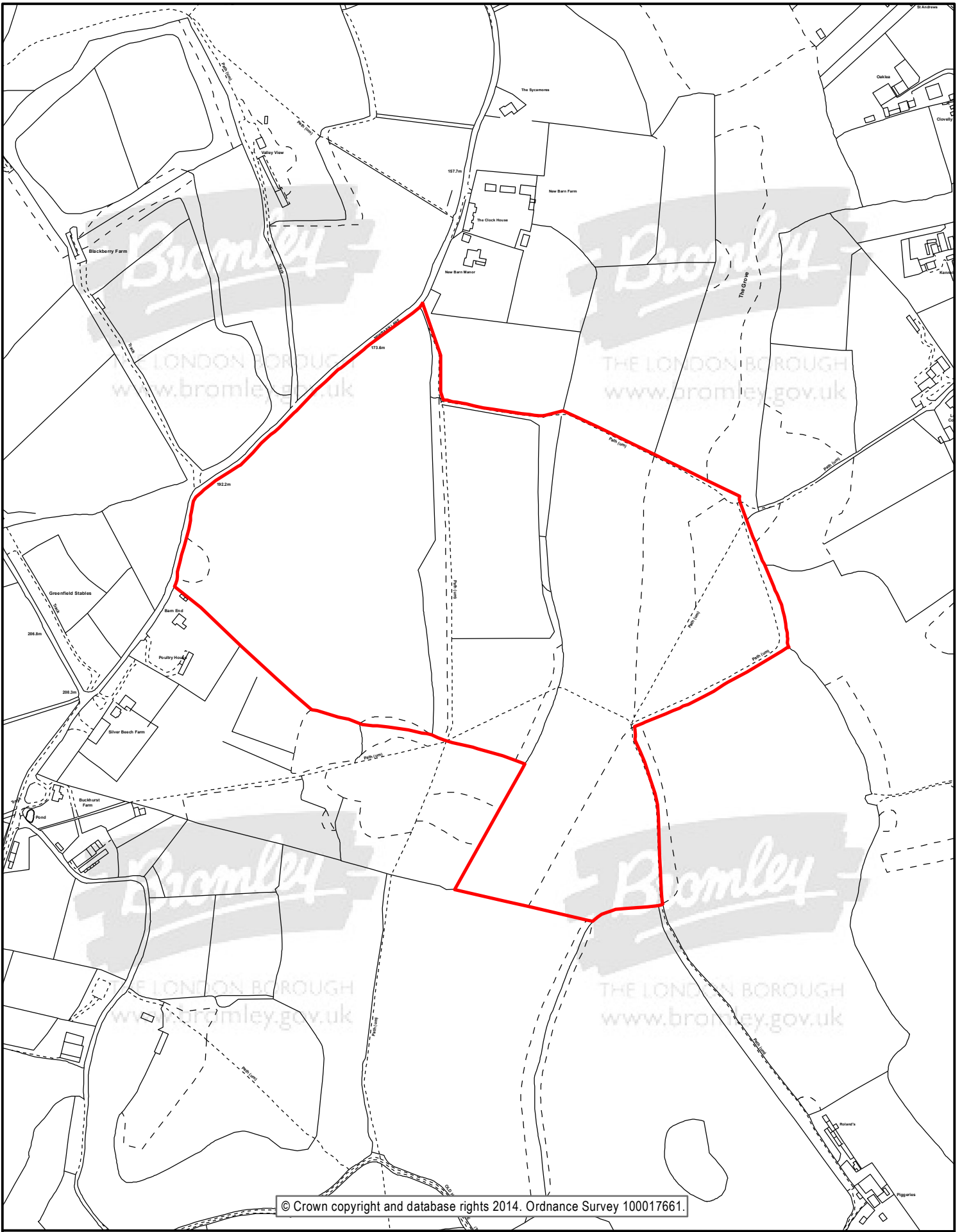
**7. LEGAL IMPLICATIONS**

- 7.1 There are two categories of Article 4 directions which are relevant in this case.
- 7.2 The first category is for directions which are able to take effect from the time they are made by the local planning authority but which lapse after six months if not confirmed by the Council. This category extends to directions relating only to development permitted by any of Parts 1 to 4 or Part 31 of Schedule 2, if the local planning authority consider the development would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area. Therefore this direction only relates to para 3.7 (i) – (iv).
- 7.3 The second relevant Article 4 category is for directions which can only take effect after notice has been given of the making of the direction and the Council has considered any representations received.. This direction relates to para 3.7 (v)

**8. PERSONNEL IMPLICATIONS**

- 8.1 Making an Article 4 Direction is likely to give rise to the submission of additional planning applications and appeals, having regard to the potential number of plots and the way in which they are marketed. The workload implications are difficult to predict but it is anticipated that the additional work involved may amount to 2-3 additional applications and 1-2 appeals per year which could be accommodated within existing staffing levels.

<b>Non-Applicable Sections:</b>	
Background Documents: (Access via Contact Officer)	



© Crown copyright and database rights 2014. Ordnance Survey 100017661.

**TOWN PLANNING**

**ARTICLE 4 DIRECTION  
CONCERNING  
LAND AT NEWBARN LANE,  
CUDHAM**



JIM KEHOE  
CHIEF PLANNER,  
CIVIC CENTRE, STOCKWELL CLOSE,  
BROMLEY, KENT,  
BR1 3UH.  
Tel: 020 8464 3333

Scale 1:5,000



26 **Page 59** Plan No. 5084

This page is left intentionally blank



Report No.  
DRR14/065

London Borough of Bromley

PART ONE - PUBLIC

---

**Decision Maker:**        **DEVELOPMENT CONTROL COMMITTEE**

**Date:**                    **Wednesday 9 July 2014**

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

**Title:**                    **SEVENOAKS DISTRICT COUNCIL GYPSY AND TRAVELLER  
PLAN SITE OPTIONS CONSULTATION**

**Contact Officer:**        Gill Slater, Planner  
Tel: 020 8313 4492    E-mail: Gill.Slater@bromley.gov.uk

**Chief Officer:**        Chief Planner

**Ward:**                    Darwin, Chelsfield and Pratts Bottom, Cray Valley East

---

1.    Reason for report

The Council response to the Sevenoaks District Council consultation on the first stage of the preparation of its Gypsy and Traveller Plan. Specifically the consultation asks neighbouring local authorities whether they are able to assist SDC in meeting the identified need for Gypsy and Traveller pitches in Sevenoaks District.

---

2.    **RECOMMENDATION**

That the consultation and the proposed site options close to the Bromley boundary (Maps in Appendix 1) are noted and the responses to the consultation questions as set out in Appendix 2 be endorsed.

### Corporate Policy

1. Policy Status: Not Applicable:
  2. BBB Priority: Excellent Council:
- 

### Financial

1. Cost of proposal: Not Applicable:
  2. Ongoing costs: Not Applicable:
  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?
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

- 3.1. Sevenoaks District Council is consulting on the first stage of the preparation of its Gypsy and Traveller Plan responding to its Council Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (March 2012) with a Site Options Consultation Document.
- 3.2. Sevenoaks District is washed over by the Metropolitan Green Belt, which is drawn tightly around the towns and largest villages, covering 93% of the District, with AONB also covering over 60%. The Government's Planning Policy for Traveller Sites statement confirms that Gypsy and Traveller sites in the Green Belt are inappropriate development and that exceptional circumstances need to be demonstrated to justify a Green Belt boundary review.
- 3.3. In order to justify any review of the Green Belt for Gypsy and Traveller pitches, it is likely that it will be necessary to demonstrate that there is no ability or willingness from neighbouring authorities to help the Council meet the needs arising in the District in less constrained areas, through the Duty to Cooperate. Sevenoaks Council advised that in addition to contacts on their consultation portal properties in the immediate vicinity have been consulted.
- 3.1. The Sevenoaks District Council Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (March 2012) was undertaken by Salford Housing and Urban Studies Unit (SHUSU) at the University of Salford and suggests that 72 permanent pitches across the District are required in the period 2012 to 2026 and it is consulting on the first stage of the preparation of its Gypsy and Traveller Plan.
- 3.2. The Sevenoaks Gypsy and Traveller Plan acknowledges that it is important to plan to meet this need, as without the identification of suitable sites, Councils will find it hard to resist new proposals for sites, regardless of their location, as strategic provision will not have been identified.
- 3.3. The current consultation involves a range of questions about the needs assessment and methodology and with regard to other local authorities includes a specific "Duty to Co-operate" question asking whether the Council would be willing and able to assist Sevenoaks District Council in meeting the identified need in Sevenoaks District. In order to justify the review of the Green Belt for Gypsy and Traveller pitches, it will be important to demonstrate that there is no ability or willingness from neighbouring authorities to help the Council meet the needs arising in the District in less constrained areas, through the Duty to Cooperate.
- 3.4. The overarching aim of the Sevenoaks Gypsy and Traveller Plan is to  
*"increase the number of authorised Gypsy and Traveller pitches in the most appropriate locations across Sevenoaks District, reducing the number of unauthorised sites, and to enable Gypsy and Travellers to access services and facilities to meet their needs, whilst respecting the needs of the settled community in these locations. "*
- 3.5. In order to achieve this aim, the Sevenoaks Plan proposes 5 objectives
  - To identify sites that are available, suitable and deliverable to meet the identified need in Sevenoaks District;
  - To allocate sites and grant permission for such sites that are sustainably located so as to improve access to local services and facilities such as education, healthcare provision, and convenience goods, whilst having minimal impact upon the surrounding landscape;
  - To provide clear development management guidance for the assessment of planning applications regarding Gypsy and Traveller sites; and

- To ensure sites are designed to a high quality, providing a safe and pleasant living environment for residents.
  - To protect the Green belt from inappropriate development, whilst recognising the difficulties of securing Gypsy and Traveller accommodation in the urban areas across the District.
- 3.6. Bromley is developing its Local Plan, which will incorporate the required Traveller provision, rather than producing a separate plan as Sevenoaks propose. Bromley has assessed the need for provision in the “Gypsies and Travellers and Travelling Showpeople” evidence Base document prepared to support Councils proposals to address Bromley’s need through two documents “Options and Preferred Strategy” (2013) and the “Draft Policies and Designations” (2014). Additionally there have also been meetings with neighbouring Local Authorities on Gypsy and Traveller provision.
- 3.7. In common with Bromley’s approach set out in Bromley’s “consultation documents Sevenoaks are looking to address part of their requirement through existing sites with temporary permissions or unauthorised use, and increasing capacity at existing sites (public and private) and a “Call for Sites”.
- 3.8. Sevenoaks initially undertook a “Call for Sites” for gypsy and traveller sites, through the Allocations (Options) consultation in 2010 and subsequently through the Development Management: Draft Policies for Consultation in 2011 at which stage it was formally decided to allocate sites for Gypsies and Travellers through a Gypsy and Traveller Site Provision Plan rather than in the Allocations and Development Management Plan. A third Call for Sites was undertaken in August 2012.
- 3.9. Bromley’s draft responses to the 16 consultation questions are set out in Appendix 2

### Sevenoaks Site Criteria

- 3.10. Expanding on the criteria for site allocation set out in the Sevenoaks Core Strategy (2011) Policy SP6 the consultation document sets out criteria for site allocation, relating to “Location & Key Constraints”, “Impact and Design”, “Deliverability”. Although, the consultation notes that due to planning and landscape constraints, it may not be possible for all criteria to be satisfied. It may be necessary to prioritise some criteria over others to ensure that the most suitable sites are put forward as potential options to meet the requirements. Therefore, a site will not necessarily be ruled out if it fails to meet one of the criteria if sufficient justification can be put forward to satisfy other criteria considerations.

### Sevenoaks Site Options

- 3.11. Having assessed the sites the consultation document considers 10 sites as unsuitable for allocation, including the Fort Halstead Major Developed Site. The assessment indicates 13 potential site options offering up to 71 pitches, 1 short of their assessed need.
- 3.12. Of the 13 sites proposed in the Sevenoaks consultation document 4 are noteworthy for Bromley. Maps for these sites, outlined below, are set out in Appendix 1
- 3.13. Two sites are relevant due to their proximity to Bromley. One lies on the borough boundary and a second within sight of the boundary with Bromley
- Land east of Knockholt Station, lies adjacent to the borough boundary, which runs along the rail tracks southwest of Knockholt station. There is currently temporary permission

for 6 pitches, additionally a further 6 pitches have been promoted through the “Call for Sites”. The consultation document indicates that there is potential for 12 pitches, (the 6 temporary to be made permanent and 6 additional pitches).

- Holly Mobile Park, Hockenden Lane. The site lies approximately 200m beyond the borough boundary along Hockenden Lane to the east of the Swanley By Pass (A20). The consultation document suggests that the site could provide 3 pitches, reflecting the current temporary permissions.

3.14. Sevenoaks are also consulting on options for two new 15 pitch sites, which are noteworthy by virtue of their size, although lying a significant distance from the Borough boundary

- Halstead - On land at Fort Halstead (but outside the Major Developed Site boundary) lying approximately 2km from the borough boundary
- Shoreham – on land south of Mesne Way lying over 3km from the borough boundary

3.15. The remaining sites lie further from the borough boundary or involve existing single temporary pitches. The other proposed sites are located at:

- Robertsons Nursery, Goldsel Road, Swanley
- Malt House Farm, Lower Road, Hextable
- Hilltop Farm, London Road, Farningham
- Eagles Farm, Crowhurst Lane, West Kingsdown
- Hollywood Gardens, School Lane, West Kingsdown
- Early Autumn, East Hill Road, Knatts Valley
- Fordwood Farm, New Street Road, Hodsoll Street
- Seven Acres Farm, Hever Road, Edenbridge

### Conclusions

3.16. The Sevenoaks District Council Gypsy and Traveller Site Options Consultation Document is a thorough and robust approach to meeting the need for 72 permanent pitches and suggests potential options for 71 pitches.

3.17. In terms of the impact on Bromley, only the proposal for an additional 6 pitches at Land east of Knockholt Station is of particular significance for the Borough. The site lies within Flood zones 2 and 3 and is therefore contrary to the Sevenoaks draft criteria. Even after three Call for Sites processes Sevenoaks district Council is still 1 pitch short, even with the additional 6 pitches at Knockholt Station. In light of the above pressures, whilst the intensification of pitches on this site within Flood zones 2 and 3 should not be promoted, other than to meet the direct needs of traveller families already residing on the site.

3.18. Bromley Council is producing its local plan and is developing site allocations to meet its current need and the need going forward. The Sevenoaks consultation makes a specific request to other authorities asking about their potential to contribute to meeting Sevenoaks need for Gypsy and Traveller pitches. The pitches currently under consideration through Bromley’s Local Plan process will meet the need highlighted through Bromley’s evidence base and this involves the allocation of sites in the Green Belt for which exceptional circumstances need to be demonstrated. Bromley Council does not have sufficient capacity to additionally meet the needs of adjacent Boroughs.

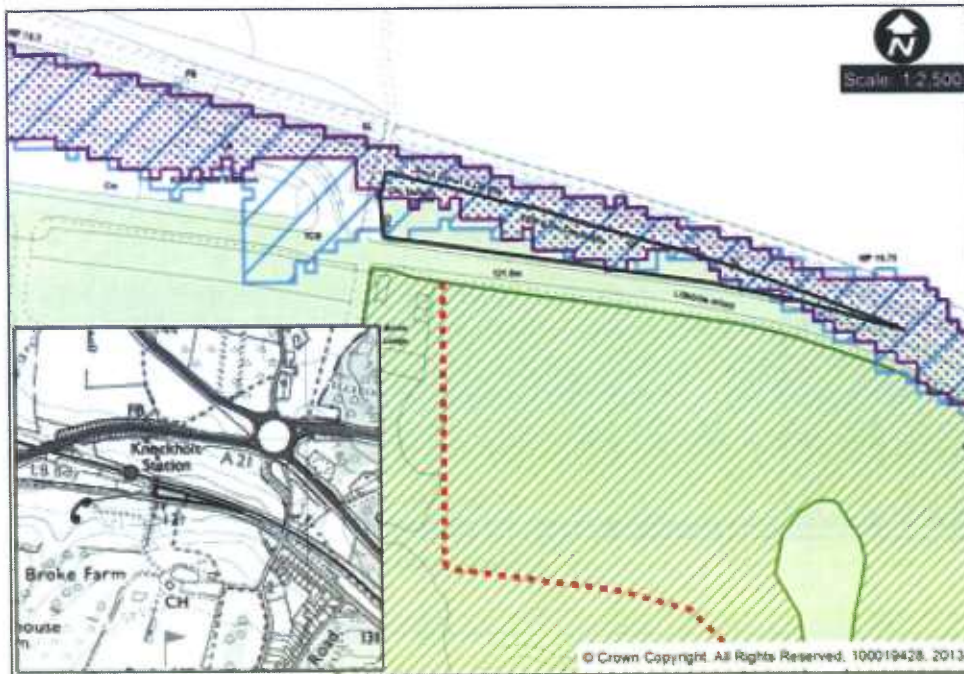
#### 4. POLICY IMPLICATIONS

- 4.1. Councils are required by the Housing Act 2004 and the National Planning Policy for Travellers to meet the accommodation needs of the population within their areas, including the needs of the Gypsy and Traveller community and Travelling Showpeople, unless they are able to agree that other authorities will meet this need through the Duty to Co-operate.

<b>Non-Applicable Sections:</b>	<b>Financial, Legal and Personnel</b>
Background Documents: (Access via Contact Officer)	Sevenoaks District Council Gypsy and Traveller Site Options Consultation Document  Sevenoaks District Council Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (March 2012)

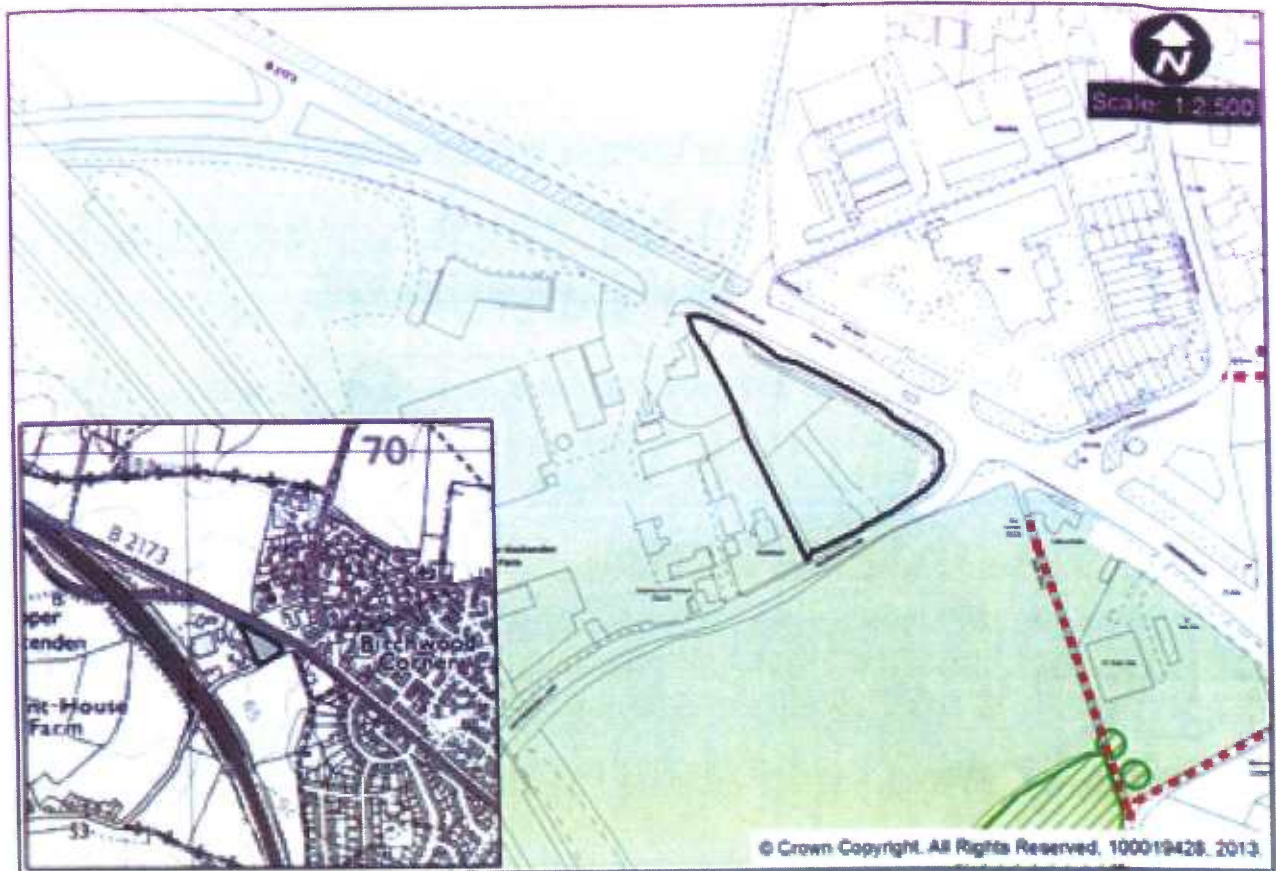
**Site Options in close proximity to Bromley and new sites of significant size**

**Land East of Knockholt Station Halstead**



Current status:	Temporary site containing 6 pitches.
Proposed Number of permanent pitches to allocate:	12 - 6 temporary and 6 additional pitches to be made permanent

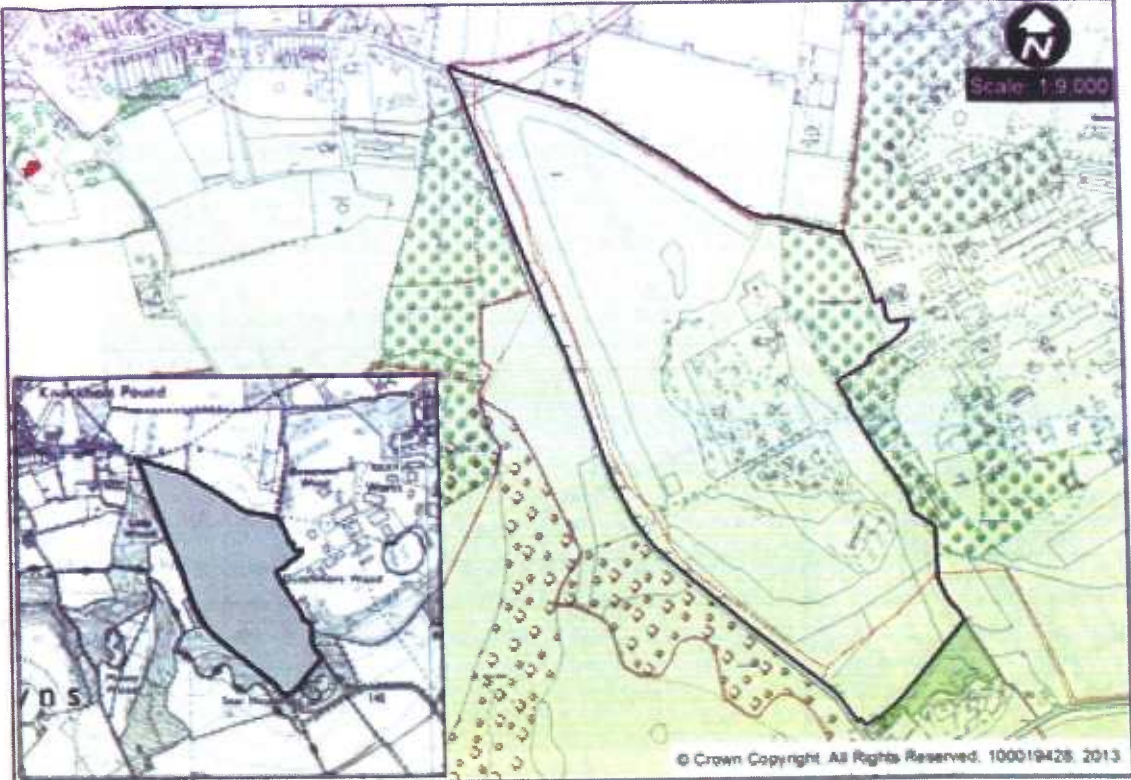
Holly Mobile Home Park, Hockenden Lane Swanley



Current status:	Temporary site containing 3 pitches.
Proposed Number of permanent pitches to allocate:	3



Land at Fort Halstead ( Outside of Major Developed Site Boundary)



Current status:	Part of Fort Halstead site outside of the developed area.
Proposed Number of permanent pitches to allocate:	16

Land south of Mense Way, part of Timberden Farm, Shoreham



Current status:	Agricultural site identified through call for sites
Proposed Number of permanent pitches to allocate:	15

**Responses to Sevenoaks District Council consultation on the first stage of the preparation of its Gypsy and Traveller Plan**

Q1 Do you agree with the main aim and objectives of the Plan?

**Yes**

Q2 Do you think there are any other objectives that the Plan should address?

**No**

Q3 Do you consider that the Needs Assessment is robust and that the figure of 72 pitches to be provided in the period 2012-2026 is appropriate?

**Yes, specifically in respect of the likely movement between housing and sites, which the GTAA assessed as a net movement of 0 comprising of 2 households moving onto sites and 2 households moving off sites. This more closely reflects the evidence from Bromley waiting lists, than the figures suggested through the London GTANA produced by Fordhams.**

Q4 Is the Council correct to plan for Gypsies and Travellers that meet the planning definition?

**Yes**

Q5 Is your Local Authority willing and able to assist Sevenoaks DC in meeting the identified need in Sevenoaks District?

**No**

Q6 Do you consider these to be an appropriate set of criteria to determine the suitability?

**Yes**

Q7 Do you feel any other criteria should be considered?

**No**

Q8 How do you consider that these criteria should be weighted?

**Significant weight should be attached to the need to protect Green Belt, other than sites with an established history of pitch provision.**

**The London Gypsy Traveller Unit (LGTU), in response to Bromleys recent consultation on its "Draft Policies and Designations" document objected to placing so much emphasis on the constraints in the flood zones. They believe this risk can be mitigated the same as with conventional housing, and this criterion should commit to seek solutions rather than stop site development in these areas.**

Q9 Do you consider the approach to the way in which our future pitch provision may be met is appropriate?

**Yes**

Q10 Are there any alternative ways in which the pitch requirements can be met?

No

Q11 Do you agree with the initial site assessments (see also the background site assessment document)? If not, why not?

**Whilst Bromley raises concerns about the intensification of the pitches at Knockholt Station it acknowledges the significant difficulties in allocating sites and is itself unable to provide pitches to meet Sevenoaks assessed need**

Q12 Do you think the number of pitches proposed for each potential site option is acceptable? If not, why not?

**Yes with reservations in respect of Land East of Knockholt Station which lies within Flood zones 2 and 3 and is therefore contrary to the draft criteria**

**Whilst acknowledging the views of the LGTU highlighted in response to Qu 8 and the recognition in the Sevenoaks consultation that not all criteria may always be met the intensification of pitches on this site should not be promoted, unless to meet the direct needs of traveller families already residing on the site.**

Q13 Should any future residential site provision include any additional space for visitors?

**Not specifically allocated – if there are surplus sites these could be made available to meet the needs of neighbouring authorities, however where pitches fall vacant and cannot be filled from waiting lists in neighbouring authorities their short term transit use by visitors would be appropriate**

Q14 Can you suggest any additional sites that you consider suitable for use as Gypsy and Traveller sites?

No

Q15 In view of the fact that there is currently no specific identified need for a Travelling Showpeople site in Sevenoaks, is there a need to provide additional capacity for Travelling Showpeople in the District?

**Yes – In the response of the Showmen’s Guild of Great Britain to the London Plan 2011 they argued that the provision of new plots for travelling show people in London should be weighted in such a way that lesser provision was required in areas with already substantial provision and new provision concentrated in areas without historic existing provision. The London Plan EIP panel accepted that such a distribution would be reflective of need.**

Q16 What criteria considerations do you feel should be included, if any, into design and layout guidance to support proposed allocations?

In respect of provision for Travelling Showmens “Plots” it will be important to acknowledge the plots will be larger than Gypsy and traveller pitches due to the need to accommodate bulky equipment

Sevenoaks Sites Considered Unsuited for Allocation

Site details	Key reasons
Land adj. Valley Park North, Hextable	The original site promoted during the 2012 Call for Sites included both this land and the site option being considered to the south. The originally promoted site included a new point of access from the highway into the site, and 25 additional pitches. After having assessed the site for the suitability of this level of additional pitches, it was not deemed suitable due to the number of existing pitches on the adjacent land, creating a potential cumulative impact on the landscape (also taking into account the adjacent site of 70-72 Lower Road)
Polhill Park, Polhill	The site owners have informed the Council that this site does not have any further capacity to accommodate pitches within the site, and does not have the potential to physically expand so is unable to provide any additional pitches by extending the site.
Fort Halstead, Halstead	The Council has commissioned and published an assessment of the viability of the landowner's emerging redevelopment proposals. This assessment finds that, whilst viable opportunities for the redevelopment of the site exist, many mixed use development scenarios that could re-provide the number of jobs on the site are of marginal viability. At present, it is, therefore, not considered that there is scope for introducing additional uses with relatively low development values, such as gypsy and traveller pitches, within a redevelopment of the Major Employment Site area. This issue can be kept under review as the Gypsy and Traveller Plan develops and plans for the redevelopment of the site evolve between now and 2018 when DSTL is expected to have relocated away from the site.
Valley Farm North, Carters Hill, Underriver	This site has planning permission (SE/13/01179/FUL) for the demolition of a dwelling and erection of a new dwelling, therefore is no longer being promoted for use as a Gypsy and Traveller site.
Valley Farm South, Carters Hill, Underriver	The site is currently in agricultural use in a very open area of landscape. It lies opposite two listed buildings; hence any development on this site would impact upon their setting. Whilst the site is better connected to the centre of Underriver, the area is not considered to be a sustainable location for any new development.
Land adj. Cricket Pavilion, Underriver	This is a very small site, very remotely located away from the centre of Underriver. The site would not be within walking distance to the limited facilities in Underriver. There is no planning history on this site for use for Gypsy and Traveller pitches, and developing this site would therefore set a precedent for this land use in the open countryside, green belt, and AONB.
Romani Way, Hever Road, Edenbridge	This site does not have any further capacity to accommodate pitches within the site, and does not have the potential to physically expand so is unable to provide any additional pitches by extending the site.
Deers Leap Farm, Four Elms Road, Edenbridge	The site is very open in the countryside, and very visible from the highway. The site does not benefit from any previous planning permissions for this land use. It is not connected to the local settlement of Four Elms, which in itself is not considered to be a sustainable location for new development. There is a vast planning enforcement history on this site, including a compulsory purchase order undertaken by the Council to ensure the land could be restored back to its original state. The land is not available and therefore not considered suitable or deliverable for Gypsy and Traveller accommodation for the reasons set out above.

Land West of Enterprise Way, Edenbridge	The Planning Inspector who was examining the Allocations and Development Management Plan (ADMP) has recommended a 'main modification' to the document, to allocate the identified site, land west of Enterprise Way, Edenbridge, for housing development, and therefore indicated that it would be incompatible for this site also to be considered for Gypsy and Traveller pitches.
Barnfield Park, Ash	The Council consider that this site is unsuitable for allocation for a variety of reasons relating to the scale of the existing site and the scale of the 'settled' community of Ash.

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

Document is Restricted

This page is left intentionally blank