



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: 26 August 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 **THURSDAY 4 SEPTEMBER 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 9 JULY 2014**
(Pages 1-14)

4 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

In accordance with the Council's Constitution, questions to this Committee must be received in writing 4 working days before the date of the meeting. Therefore please ensure questions are received by the Democratic Services Team by 5 pm on Friday 29 August 2014.

5 MEMBERSHIP OF PLANS SUB-COMMITTEE NO. 2 (Pages 15-16)

6 PLANNING REPORTS

ITEM NO.	APPLICATION NUMBER AND ADDRESS OF DEVELOPMENT	PAGE NO.	WARD
6a	(14/01752/FULL1) - Dylon International Ltd, Worsley Bridge Road, London SE26 5BE	17-54	Copers Cope
6b	(14/02364/FULL1) - Hayes Court, West Common Road, Hayes, Bromley	55-78	Hayes and Coney Hall
6c	(14/02410/LBC) - Hayes Court, West Common Road, Hayes, Bromley	79-82	Hayes and Coney Hall

7 LB BROMLEY FIVE YEAR HOUSING SUPPLY PAPER 2014 (Pages 83-94)

8 RESPONSE TO GOVERNMENT CONSULTATION ON FURTHER CHANGES TO THE PLANNING SYSTEM

(Report to follow)

.....

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 9 July 2014

Present:

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 and Richard Scoates

Also Present:

Councillor Will Harmer

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Michael Turner.

2 DECLARATIONS OF INTEREST

No declarations of interest were received.

3 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 10TH APRIL AND 4TH JUNE 2014

RESOLVED that the Minutes of the meetings held on 10 April 2014 and 4 June 2014 be confirmed and signed as a correct record.

4 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

5 PLANNING REPORTS

Members considered the following planning application report:-

Item No.	Ward	Description of Application
5a (page 17)	Bromley Town	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 at Intu Bromley, The Glades Shopping Centre, High Street, Bromley BR1 1DN.
--	--	--

The following oral representations in support of the application were received from Mr Marc Myers, General Manager, Intu Bromley:-

- The proposal to introduce a boutique cinema and casual dining cluster to the Centre was part of a £24m investment that encompassed an internal refresh which was currently under way and the proposals for a restaurant terrace by Queens Gardens. The cinema and restaurant proposal would create 60 permanent and 130 temporary jobs in the town.
- Consultations had shown that both the shoppers and retailers who Intu were trying to attract to the Centre, agreed that Intu Bromley and the town centre, were in need of more casual dining and leisure facilities in order to revive the evening economy and restore Bromley to its place in the market as a metropolitan town centre. Intu wanted to provide a safe and seamless transition from traditional daytime commercial activities to evening activities.
- The Council's 2012 Retail and Leisure Report demonstrated a substantial level of unmet demand within the town. Despite the establishment of the restaurant terrace by Queens Gardens, Bromley would still rate well below the national average for retail and leisure for a town of its size.
- Although Bromley residents wanted to support their town, they were increasingly driven to spend their money and leisure time elsewhere, ie. Bluewater, Greenwich and the West End. With the impending development of Westfield in Croydon, immediate action would be needed to ensure that Bromley did not lose out. Bromley deserved this development and needed it to continue to compete. The proposed 220 seater cinema would go some small way to address the gap which would still exist even after the completion of developments at Bromley South and Orpington.
- It was necessary to increase dwell time in the town and in order to do this, trading hours would need to be extended not just for restaurants and leisure but for retailers who would want to capitalise on the increased footfall delivered through the potential new leisure development; this would 'smooth the peaks' in trading because once shoppers were aware that the Centre remained open for longer, they would be more inclined to make their journeys outside peak times.

- Provision of adequate parking was fundamental to the success of Intu Centres. Intu would not propose a scheme which resulted in a detrimental impact on the attractiveness of the centre to customers, many of whom, despite the convenient location of Intu Bromley, come by car.
- Intu Bromley currently had a very good car parking ratio and even with the loss of some spaces, it would still compare favourably with similar centres in the region. For the vast majority of the time, Intu Bromley car park retained sufficient capacity to meet demand however, on the rare occasion that full capacity was reached, shoppers would be able to use alternative town centre car parks which, in turn, would lead to increased footfall and activity in those parts of the town.
- In terms of visual impact, the cinema would be situated well back from the building edge so views of the proposed development would be limited. The design would be of a contemporary nature and high quality materials and finishes would be used which would sit well within the wider built environment.

In response to Member questions, Mr Myers informed the Committee that if the application was successful, detailed discussions would take place with retailers affected by the development concerning options for relocation.

The boutique cinema would remain open until 11 pm or 12 am.

With regard to the impact of the proposals on Bromley South, analysis had shown that the development together with the cinemas at Orpington and Bromley South would still leave Bromley 2,000 seats short of what was required. Members were asked to bear in mind that this proposal was for a boutique cinema not a multi-complex.

The analysis also showed that Bromley would not be 'over-restauranted'. People wanted choice and the proposals before Members would provide just that.

Mr Myers acknowledged the need to advertise alternative car parks in Bromley on occasions when the Intu car park had reached full capacity. He suggested that, if successful, the Bromley BID could look into this matter. The proposed loss of 118 car parking spaces equated to 7% of the overall Intu capacity.

Ward Member Councillor Dykes considered the proposals to be beneficial especially in light of other exciting developments that were also planned for Bromley. The establishment of a boutique cinema would give Bromley an up-market edge. Whilst the loss of 118 car parking spaces was a concern, other car parks in the town were under-occupied so this would not cause a major impact. Councillor Dykes moved that permission be granted.

Councillor Rutherford agreed that this was a high quality scheme. Having held discussions with residents, it was clear there was a demand for Bromley to go 'up-market'. The development would benefit businesses in the Town Centre and the proposed restaurants would encourage people to stay for lunch. Footfall at night would increase and combined with cinemas already in Bromley would contribute towards a safer environment. Councillor Rutherford seconded the motion for permission to be granted.

Whilst supporting the application, Councillor Fawthrop alluded to the need to ensure that the car parking situation was fully addressed.

Councillor Michael was concerned at the possible loss of retail use, which was contrary to the Area Action Plan which identified a need to attract retail to Bromley. In particular, the loss of Waterstone's bookshop and the 'niche' shops in the arcade area was undesirable and Councillor Michael asked that special consideration be given to relocate these elsewhere in the centre.

Councillor Auld was concerned that if permission was granted, the development may have an impact on the rest of Bromley by virtue of the fact that this would be established three years ahead of developments planned for other opportunity sites identified in Bromley. For this reason, together with his concerns around the loss of car parking spaces, Councillor Auld moved that the application be refused.

Councillor Arthur considered the development to be well thought out and of an innovative design which would provide a much needed boost to Bromley.

Members having considered the report, objections and representations, RESOLVED that PERMISSION BE GRANTED as recommended, subject to the conditions and informative set out in the report of the Chief Planner with the following conditions amended to read:-

'3 The development hereby permitted shall be carried out in accordance with the following approved plans: 3494 AL(01)0780 P03 (Site Location Plan); 3494 AP(02)0915 P01 (Block Plan of Site); 3494 AP(02)0900 P01 (Existing Basement Level Plan); 3494 AP(02)0901 P01 (Existing Lower Mall Plan) 3494 AP(02)0902 P01 (Existing Mezzanine Plan); 3494 AP(02)0903 P01 (Existing Upper Mall Plan) 3494 AP(02)0904 P01 (Existing Car Park Level 1 Plan); 3494 AP(02)0905 P01 (Existing Car Park Level 2 Plan); 3494 AP(02)0906 P01 (Existing Roof Level Plan); 3494 AP(02)0910 P01 (Existing Elmfield Road Elevations); 3494 AP(06)0911 P01 (Existing Sections AA, BB & CC); 3494 AP(02)0912 P01 (Existing Kentish Way Elevation); 3494 AP(04)0921 P01 (Proposed Lower Mall Plan); 3494 AP(04)0922 P01 (Proposed Mezzanine Plan); 3494 AP(04)0923 P01 (Proposed Upper Mall Plan); 3494 AP(04)0924 P01 (Proposed Car Park Level 1 Plan); 3494 AP(04)0925 P01 (Proposed Cinema/Car Park Level 2 Plan); 3494 AP(04)0926 P01 (Proposed Roof Level Plan); 3494 AP(05)0930 P01 (Proposed Elmfield Road Elevations); 3494 AP(05)0931 P01 (Proposed Cinema/Car Park Level 2 South, East & North Elevations); 3494 AP(05)0932 P01 (Proposed

Cinema/Car Park Level 2 North West & South West Elevations); 3494 AP(05)0933 P01 (Proposed Kentish Way Elevation)

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.

6 Details of a scheme of external 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 agreed in writing by the Local Planning Authority prior to commencement of the development unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before the development hereby permitted is first occupied and the approved scheme shall be permanently maintained in an efficient working manner and no further external 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.

10 Before any works on site are commenced, a site-wide energy assessment and strategy for reducing carbon emissions, in accordance with the submitted Sustainability Statement, 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.

It was reported that the applicant had requested condition 1 be amended to read that the development must be begun not later than the expiration of 5 years (as opposed to the 3 years stated in the report).

The Chairman moved that this request be denied; Councillor Fawthrop seconded the motion.

RESOLVED that Condition 1 remain as set out in the report of the Chief Planner.

Members considered the following planning appeal report:-

Item No.	Ward	Description of Application
5b (Supplementary Report - Page 1)	Copers Cope	Erection of five storey building comprising 74 residential units; A1 retail; A3 café/restaurant and a D1 creche in place of Block A03 forming part of the approved planning permission 09/01664 for the redevelopment of the Dylon site at Dylon International Ltd, Worsley Bridge Road, London SE26 5BE.

The Chairman introduced the item, referring to the planning history relating to the site.

The Chairman moved that the appeal be contested for the reasons given in the report of the Chief Planner. Councillor Fawthrop seconded the motion.

Councillor Dykes commended officers for presenting a well thought out and detailed report and emphasised the need for business space to continue to be protected.

The Chief Planner drew Members' attention to the modified financial contributions by comparison with a previous application, as set out in the agenda.

RESOLVED TO CONTEST THE APPEAL as recommended on the following grounds:-

1 The proposal has not satisfied the tests in National Planning Policy Framework paragraph 22 and would therefore result in the loss of a valuable employment opportunity and the long-term protection of the site should continue. The proposal is contrary to the Borough's employment strategy and Policies EMP3 and EMP4 of the Unitary Development Plan and Policies 4.1 and 4.2 of the London Plan.

5c (14/01752) - Dylon International Ltd, Worsley Bridge Road, London SE26 5BE

This item was withdrawn from the agenda.

Members considered the following planning application report:-

Item No.	Ward	Description of Application
5d (page 35)	West Wickham	Part one/two storey side/rear and single storey front extensions at 32 Copse Avenue, West Wickham BR4 9NR.

Two errors within the report were identified as follows:-

- The first paragraph on page 36 should read: 'Permission is sought for a part one, part two storey side extension and a *part one/part two* storey rear extension.'
- The final sentence of the penultimate paragraph on page 37 should read: 'It is not considered, therefore, that any overlooking or harm to the amenities of the residents at No. 30 would result from the proposal.'

The following oral representations in objection to the application were received from neighbour, Mr Robert Payne:-

- A great deal of information had been gathered and provided to support objections to the application however, the planning report failed to reflect any of the points raised.
- There was a distinct lack of care which could be seen in the way the report for 34 Copse Avenue had been pasted into the previous report for 32 Copse Avenue. The neighbouring house number had also been incorrectly pasted.
- Contrary to what was stated in the report, the proposed extension at 32 Copse Avenue was not similar to the extension at 34 Copse Avenue, it was completely different and in this respect, the application had not been properly reviewed.
- Councillors had a difficult job in reviewing such residential plans and Members were respectfully asked to take Mr Payne's very strong objection into account when considering the application.
- Mr and Mrs Payne had resided at their property for 18 years during which time they had enjoyed a high level of privacy. The proposed first floor enormous patio style set of full height opening windows, together with the Juliet type balcony, would totally compromise that level of privacy, would tower over Mr Payne's property and would look straight onto his rear terrace.

- There would be a total removal of sunlight and reduction in daylight to Mr and Mrs Payne's six foot square stairway window. Copse Avenue was situated on a hill and No 34 was already approximately 1 metre higher than Mr and Mrs Payne's house.
- A precedent would be created by building an overbearing two storey structure totally out-of-character with the rear garden scene in the area.
- A precedent would also be created by the over-development of the existing host building by 80%.
- The application, if approved without modification, would affect the lives of Mr and Mrs Payne in a totally unacceptable way.

In summing up, Mr Payne asked Members to take into account his considerable concerns and refuse the application.

Councillor Joel reported that he had been Chairman of the Plans 4 Sub-Committee when this application was previously considered. At that time he had visited the site and concluded that what was being proposed was no different to other extensions in the immediate vicinity and for this reason he had supported the application. Referring to loss of light through the staircase window at number 30 Copse Avenue, Councillor Joel commented that as the area was not an habitable room, this would not have a significant impact on No 30. Councillor Joel moved that the permission be granted.

Having read the report and considered the objections, Councillor Michael could see nothing unacceptable about the application in planning terms. The proposals were in line with side space policy, were not over-dominant and would not have a major impact on the privacy of neighbours. For these reasons, Councillor Michael seconded the motion for permission to be granted.

Councillor Fawthrop disagreed and moved refusal on the grounds over-development and side space issues. There would be an increase in the size of the house which would impinge on the amenity of the residents at No. 30. At certain points of the proposed development, the side space would not amount to a metre. Where a high standard of separation existed, this would cause a pseudo-terracing effect at the site and was an issue Members should protect against.

On the basis that the addition of a Juliet balcony was likely to result in overlooking, Councillor Buttinger seconded the motion for refusal.

Members having considered the report, objections and representations, RESOLVED that PERMISSION BE GRANTED as recommended, subject to the conditions set out in the report of the Chief Planner.

**6 LAND AT UPPER ELMERS END ROAD AND CROYDON ROAD
- APPLICATION FOR REGISTRATION AS A TOWN OR
VILLAGE GREEN**

Report CSD14095

Members considered an application to register land comprising the triangular area of ground bounded by Upper Elmers End Road, Croydon Road and Elmerside Road in Elmers End as a Town Green. As the registration authority for Bromley, it was the duty of the Council to decide the application for registration of the land as a new Town or Village Green.

The Chairman of West Beckenham Residents' Association (WBRA), Ms Marie Pender, spoke in support of the application and made the following representations:-

"I hope you have been able to read my letter, see the old maps and the support we have had from local people and other local organisations - Copers Cope Area Residents' Association and The Beckenham Society.

Your legal advice concludes that "it is not considered that the application can succeed". But, you know - it can - if you want it to. The legal advice also says that you, as registration authority, "may decide to register - or decline - on the basis of the application and the evidence before you". It is therefore within your discretion to accept the implied compliance with the spirit of the 2006 Act, by accepting our case. Or by proceeding to register the green voluntarily - as owners of the land.

The spirit of the Act is surely that open land that has been enjoyed by local people for only 20 years should continue to be available for that enjoyment. The only real restrictions in the spirit of the Act are that the enjoyment must be legal and without the use of force or subterfuge, and that the owner should not be forced to have the land registered against its will.

Your legal advice is that the burden of proof lies in "the civil standard of balance of probabilities". The balance of probabilities does not require written testimony – that would be 100% proof. The balance of probabilities is most certainly that this land - never built on and in existence for 300 years – has been used, as the Act describes, for much longer than 20 years.

My letter and the maps show the history of this land. I also emphasise that, for much more than 20 years, the council provided benches for people to sit on – why would you do that if the green were not used for passing the time? Your signs say "don't let your dog foul the grass" – why, if there is no dog walking? This land has been enjoyed legally and without the use of force for centuries.

The Council are owners of the land, so why would you object to its protection through registration? There need not be costs involved. If the Council were to

agree, there is, for instance, no need for any public inquiry, as suggested by the legal advice.

We understand the Council has rightly been persuaded to register Beckenham Green under the Act. Though the initial legal reaction to that application was also a loud 'no!' We congratulate you on meeting the wishes of the people of Beckenham in that instance."

Having lived in Beckenham for over 30 years, the Chairman confirmed that the green had been used for various activities, ball games, dog walking etc for many years. The WBRA represented over 500 residents, most of whom would not support the application if the statement submitted by Ms Pender was untrue. The Council was unable to prove that the green had not been used for the activities mentioned above. The land was surrounded by roads, however, this had not prevented other areas of land from being registered as town or village greens.

The Chairman also reported that contrary to what was written in the report, the land on which the toilet block stood would be leased not sold and should be excluded from Member consideration.

It was reported that Ward Member Councillor Sarah Phillips was in support of the application. The Chairman moved that the land should be registered as a new town or village green.

In seconding the motion, Councillor Fawthrop emphasised the need to protect such land for residents in the Borough.

Councillor Arthur drew Members' attention to the legal technical definition for registering land as a town or village green. He was concerned that if legal advice was ignored and Members chose to register land without adequate proof of use, then this would set a precedent for future applications.

The Legal Officer agreed with Councillor Arthur and explained the legal framework which must be applied to any application in order for registration to take place and which was addressed in the report. The Development Control Committee when exercising the powers of the Council as a Registration Authority, was required to apply these criteria. It was possible for a land owner on a voluntary basis to dedicate land as a Town Green but this would be a separate matter for the Executive to deliberate upon.

RESOLVED that Members of the Executive Committee be recommended to apply to voluntarily register the land as a new town or village green.

**7 LAND AT NEW BARN LANE, WESTERHAM - PROPOSED
ARTICLE 4 DIRECTION**

Report DRR/14/064

Members considered whether the Portfolio Holder for Renewal and Recreation should be requested to confirm the making of an Article 4 Direction to remove permitted development rights for specific classes of development on land at New Barn Lane, Westerham.

Located within the Green Belt, this land had recently been advertised for sale and whilst it was considered to have limited development potential, there was concern that in the foreseeable future, the land could be divided and sold in the form of separate plots.

Ward Member Councillor Scoates reported that situations such as this were becoming increasingly frequent. Part of the land being considered was an Area of Outstanding Natural Beauty and should be protected. The making of an Article 4 Direction would prevent the land from being partitioned into separate plots. Councillor Scoates emphasised the need for the Direction to be made with immediate effect and moved in favour of the proposal.

Councillor Michael agreed with Councillor Scoates and seconded the motion.

It was reported that any forthcoming compensation claims were likely to be relatively low in value when compared with other forms of development.

RESOLVED that the Portfolio Holder for Renewal and Recreation be requested to authorise the making of an Article 4 Direction for land at New Barn Lane, Westerham, to remove permitted development rights for the following classes of development:

- (i) the erection or construction of gates, fences, walls or other means of enclosure (Class A of Part 2);**
- (ii) the formation, laying out and construction of means of access (Class B of Part 2);**
- (iii) the provision of temporary buildings, etc. (Class A of Part 4);**
- (iv) the temporary use of land for any purpose for not more than 28 days per year (Class B of Part 4); and**
- (v) the 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 in Section 7 of the report).

8 BROMLEY NORTH VILLAGE - PROPOSED REGULATION 7 DIRECTION

This item was withdrawn from the agenda.

9 DELEGATED ENFORCEMENT ACTION (APRIL-JUNE 2014)

Report DRR14/067

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

RESOLVED that the report be noted.

10 SEVENOAKS DISTRICT COUNCIL GYPSY AND TRAVELLER PLAN SITE OPTIONS CONSULTATION

Report DRR14/065

Members considered the Council's response to a consultation document produced by Sevenoaks District Council on the first stage of the preparation of its Gypsy and Traveller Plan. The consultation asked neighbouring local authorities whether they were able to assist Sevenoaks District Council in meeting its identified need for Gypsy and Traveller pitches in the Sevenoaks District.

Two sites identified by Sevenoaks District Council were relevant to Bromley due to their proximity to the borough boundary. These were located at land east of Knockholt Station and Holly Mobile Park, Hockenden Lane (east of the Swanley By Pass)

As Bromley Council was currently producing its local plan and developing site allocations to meet the Borough's own needs, it did not have sufficient capacity to additionally meet the needs of adjacent Boroughs.

The Chairman reported that it was incumbent upon Sevenoaks Council to let this Authority know their future plans and to request assistance from Bromley where possible. Bromley would need to do the same next year and would likewise be approaching Sevenoaks Council.

The Chairman moved in favour of the recommendation; this was seconded by Councillor Auld.

Councillor Buttinger alluded to a particular area close to her Ward which Sevenoaks was looking to intensify (land east of Knockholt Station). Whilst Councillor Buttinger understood Sevenoaks' predicament, it was of the utmost importance that Green Belt land remained protected.

At the suggestion of Councillor Scoates it was agreed that the response to question 11 be reinforced by including the fact that the land in question was located within a recognised flood zone.

In response to a question from Councillor Fawthrop, the Chief Planner confirmed that the site at Hockenden Lane, Swanley was currently a temporary site which Sevenoaks was hoping to make into a permanent site.

Councillor Bosshard requested that any maps or graphs included in future reports to the Committee, be more clearly defined.

RESOLVED that the proposed site options close to the Bromley boundary be noted and the responses to the consultation questions be endorsed, subject to the reinforcement of the response to question 11 to include the fact that the land near Knockholt Station was located within a recognised flood zone and a comment be added to the Hockenden Lane, Swanley site about restricting intensification.

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 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.

12 EXEMPT MINUTES OF THE MEETING HELD ON 10 APRIL 2014

RESOLVED that the exempt Minutes of the meeting held on 10 April 2014 be confirmed and signed as a correct record.

The meeting ended at 8.40 pm

Chairman

This page is left intentionally blank

Report No.
CSD14130

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: **Development Control Committee**

Date: **4th September 2014**

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

Title: **MEMBERSHIP OF PLANS SUB-COMMITTEE NO. 2**

Contact Officer: Graham Walton, Democratic Services Manager
Tel: 020 8461 7743 E-mail: graham.walton@bromley.gov.uk

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: N/A

1. Reason for report

- 1.1 At a brief special meeting on the same evening as the Council's annual meeting on 4th June 2014 this Committee appointed members to sit on its four Plans Sub-Committees. The Conservative Group has subsequently requested that one change be made to the membership of Plans Sub-Committee No. 2: that Councillor Melanie Stevens be replaced on the Sub-Committee by Councillor Kate Lymer.
-

2. **RECOMMENDATION**

That Councillor Kate Lymer is appointed to Plans Sub-Committee No. 2 in place of Cllr Melanie Stevens.

Corporate Policy

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

Financial

1. Cost of proposal: No cost Each of the nine seats on this Plans Sub-Committee attracts an annual quasi-judicial allowance of £335. This is an existing seat, so there is no additional expenditure.
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Democratic Representation
 4. Total current budget for this head: £1,165,780
 5. Source of funding: 2014/15 revenue budget
-

Staff

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

Legal

1. Legal Requirement: No statutory requirement or Government guidance.
 2. Call-in: Call-in is not applicable. This report does not involve an executive decision.
-

Customer Impact

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

Ward Councillor Views

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

Non-Applicable Sections:	Policy/Financial/Legal/Personnel
Background Documents: (Access via Contact Officer)	None

Application No : 14/01752/FULL1

Ward:
Copers Cope

Address : Dylon International Ltd Worsley Bridge Road
London SE26 5BE

OS Grid Ref: E: 536890 N: 171285

Applicant : Relta Ltd

Objections : YES

Description of Development:

Erection of a five storey building comprising 55 residential units; B1 office; A1 retail; A3 cafe/restaurant; and a D1 creche in place of Block A03 of the approved permission ref. 09/01664/FULL1 for the redevelopment of the Dylon site

Key designations:

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

Proposal

Planning permission is sought for the following:

- five storey building comprising 55 residential units, 1,468m² (GIA) Use Class B1 office floorspace, A1 retail (249m²) unit, A3 café/restaurant (113m²) unit and a D1 creche (624m²). The current proposal is in place of Building A03 which was approved as part of the implemented planning permission granted at appeal (LBB ref. 09/01664) for a mixed use redevelopment comprising basement car parking and 2 part five/ six/ seven/ eight storey blocks comprising 6884m² office floorspace, retail unit, cafe/ restaurant, creche and 149 flats
- residential accommodation will comprise 18 one bedroom, 25 two bedroom and 12 three bedroom private flats
- additional 74 secure cycle storage spaces will be provided at basement level
- overall design and scale of the proposed building remain unchanged from that of approved Block A03
- balconies will be added to the rear elevation of the building.

The following table provides a comparison of the current and previous planning applications:

TABLE ONE					
<u>COMPARISON OF PROPOSALS</u>					
Proposal	09/01664 Appeal Allowed and Development Commenced	09/01664 Appeal Allowed and Development Commenced	DC/13/01973 Appeal Dismissed 18/03/2014	DC/13/03467 Appeal Pending 03/06/2014	DC/14/01752 Current Application
Whole or part of site	Total (All buildings)	Building A03 only	Building A03 only	Building A03 only	Building A03 only
Residential units	149	0	74	74	55
B1 office floorspace	6884 m ²	6884m ²	0	0	1,468m ²
A1 retail	449 m ²	449m ²	249m ²	249m ²	249m ²
A3 café	135m ²	135m ²	113m ²	113m ²	113m ²
D1 crèche	437m ²	437m ²	624m ²	624m ²	624m ²
Affordable Housing (in kind)	£80,000	£80,000 (overall scheme)	£80,000 (overall scheme)	£80,000 (overall scheme)	£80,000 (overall scheme)
Financial contributions	Highways improvements	Highways improvements	£272,087.49 education and healthcare infrastructure	£272,087.49 education and healthcare infrastructure and £346,736 in lieu of on-site employment floorspace	£238,295.75 education and healthcare infrastructure

Location

- 1.119 hectare irregular shaped site is currently occupied by part of the 1930s built former Dylon factory, including the office building to the front of the site
- site is located to the south of Station Approach and to the west of Worsley Bridge Road
- Hayes to Charing Cross railway line abuts the western boundary and the former Dylon sports ground lies to the south
- north side of Station Approach lies within the London Borough of Lewisham where the Broomsleigh Business Park extends to the north on the west side of Worsley Bridge Road and generally comprises older style business accommodation
- Gardner Industrial Estate and the Abbey Trading Estate lie to the west of the site beyond the railway line and include modern two to three storey sheds
- there are 1930s or 1940s built two and three storey industrial buildings on Worsley Bridge Road to the southeast of the site
- there are a number of sports pitches in the surrounding area, including a large area of designated Metropolitan Open Land to the south and east of the site

- there is a residential estate built in the 1990s comprising a mixture of two storey houses and a three storey block of flats opposite Worsley Bridge Road to the east of the site
- site has a Public Transport Accessibility Level (PTAL) level of 2 (low).

Application documents (submitted by the applicant)

- Sustainability Appraisal and Energy Statement
- Transport Statement
- Architectural Design Statement
- Financial Viability Assessment.

The application is accompanied by an Office Market Report dated July 2013 (previously submitted with applications refs. 13/01973 and 13/03467) which includes the following points (these are summarised from the Office Market Report and are the views of the author):

- office uses are not viable on market based terms - although the site is well located next to Lower Sydenham Station the evidence from marketing has proved that there is no demand for the approved office floor space
- since 2009 there has been an overall weakening of demand for offices within this part of London and supply levels have continued to increase
- no shortage of office floorspace throughout Bromley, even in preferred office locations
- it is recognised by the Council's consultants that new office development in the Borough is no longer viable, even in Bromley town centre
- suburban office market in south east London is in structural decline and this market reality will not change - prospective major redevelopment proposals in Croydon (retail led) will further divert any demand from back office/footloose "outliers" away from Bromley in the medium to long term
- latest London Policy review demonstrates that most large occupiers in Bromley are referred to as "outliers" that can easily relocate - Bromley is unlikely to be seen as a significant office area in the long term and this also impacts upon the need for offices in non recognised locations such as Lower Sydenham
- existing vacancy rates in Bromley town centre are approaching 20% and there is a realistic pipeline representing over 10 years supply
- indicators suggest there is a declining market requirement for offices in Bromley generally and a secondary area such as Lower Sydenham will decline more rapidly
- office rental levels in Sydenham (£9.50 per sq. ft. approx.) are only marginally above industrial values - there is no prospect for office development in such circumstances and this position is not going to change

- high development costs cannot be adequately “subsidised” by the residential element of the permitted scheme (on the application site) which itself attracts high costs
- there is over 69,000 sq m of existing accommodation on the market in Bromley and Lewisham in 189 buildings and a further 27,000 sq m of unimplemented permissions in Bromley town centre - many of these can be subdivided into smaller units - in quantitative and qualitative terms there is an excessive level of choice for potential occupiers
- it is recognised that there is a need to provide some new stock where circumstances allow as the limited growth areas (from SME's) in certain evolving areas of employment generation will be attracted to new flexible accommodation but the issue remains that viability is compromised and new development can rarely be justified
- offices within the permitted scheme have been marketed since 2010 but in view of the lack of any interest for the accommodation the scheme as a whole is not viable
- despite extensive marketing there has additionally been no interest shown for the site as a whole
- proposed amendment to the scheme will not have any detrimental impact on the supply of employment land (and office space in particular) in the market search area either immediately or in the longer term.

The report is accompanied by an update dated May 2014 (not previously submitted) which includes the following points:

- level of available supply across the whole Borough has increased in recent months
- office market within Bromley Borough has been subdued over the last few years with rental values across the whole Borough not being high enough to make new development viable - if rental values were to increase then Bromley South would have the best prospects
- any increase in demand or rental levels in Bromley town centre will not have any positive knock-on effect on out of town centre locations such as Lower Sydenham.

The applicant has made reference to the ‘Employment Densities Guide 2010’ published by the Office of Project & Programme Advice and the Homes & Communities Agency. The document indicates that general offices typically accommodate one full time employee per 12m² and serviced offices typically accommodate one per 10m² for serviced offices . On this basis the applicant states that the proposed offices could accommodate approx. 120 to 145 employees. The applicant also states that based on the employment densities within the guidance the A1 unit could support approx. 13 full time equivalent (FTE) jobs whilst the café could support approx. 6 FTE jobs and the crèche could support approx. 40 FTE jobs. It is therefore stated that the development would therefore generate between approx. 180 and 205 FTE jobs. The applicant advises that the former Dylon factory supported approx. 150 jobs when in full occupation and production and that the current proposal

could therefore generate more FTE jobs than were generated by the former use.

The application is accompanied by a planning statement which includes the following points:

- despite extensive marketing since the grant of the permission in 2010 there have been no valid enquires for the prospective office space as approved
- evidence presented to the Inquiry in February 2014 showed conclusively that in the current market and with current values it would not be viable to build the approved office floorspace, even if subsidised by the residential development
- it was further shown that the viability of the residential development could not provide any such subsidy and as a consequence the regeneration of the site and the provision of new residential development forming part of the Council's Five Year Supply would not come forward in the foreseeable future
- current proposal will allow the development to proceed and deliver a significant level of new office accommodation which accords with the provisions of Policies EMP1, EMP2 and T1 of the UDP
- additional residential units will make a significant contribution to the overall supply and mix of housing within the borough and towards the housing supply target set by the Mayor.

The applicant has also submitted an Sustainability Appraisal and Energy Assessment

Comments from Local Residents

Nearby residents were notified of the application and representations were received, which can be summarised as follows:

- Transport Assessment is flawed
- increased use of Meadowview Road as a 'rat run'
- no right turn sign at junction of Southend Lane and Meadowview Road should be removed
- increased traffic and pressure on local road infrastructure
- increased pressure on local infrastructure and services
- increased demand for on-street parking
- detrimental impact on highway, pedestrian and cyclist safety
- increased noise and disturbance
- excessive residential density
- increased crowding on train service.

Comments from Consultees

There are no objections in terms of Environmental Health.

There were no objections from the Council's in-house drainage consultant.

Thames Water have no objections.

There are no objections in terms of sustainable development and renewable energy.

Any further responses to consultations, including Highways comments, will be reported verbally at the meeting.

Planning History

Planning permission was granted at appeal in April 2010 for a mixed use development on the whole factory site comprising basement car parking and 2 part five/ six/ seven/ eight storey blocks for use as Class B1 office accommodation (6884 sqm)/ Class A1 retail (449 sqm)/ Class A3 cafe/ restaurant (135 sqm)/ Class D1 creche (437 sqm) and 149 flats (32 one bedroom/ 78 two bedroom/ 39 three bedroom) (ref. 09/01664). The permission has been implemented, although the main factory buildings (that would be demolished and replaced) still remain on the site.

An appeal was made against the Council's non-determination of the duplicate application ref. 13/01973, and a planning inquiry was heard in February 2014. The Council contested this on the following grounds:

1. The site is located in a Business Area in the Unitary Development Plan and the proposal would result in an unacceptable loss of employment land and would be contrary to London Plan Policies 4.1 and 4.4 and Policy EMP4 of the Unitary Development Plan as it does not provide Use Class B1, B2 or B8 floorspace and furthermore there is insufficient evidence to demonstrate that this cannot be provided.
2. The proposal would give rise to a requirement for affordable housing and a financial contribution towards education provision. Inadequate evidence has been submitted to demonstrate that the development cannot support affordable housing provision and a sufficient healthcare and education infrastructure contribution contrary to Policies H2 and IMP1 of the Unitary Development Plan and Policy 8.2 of the London Plan.'

The appeal was dismissed by the Inspector, on 18 March 2014. The following are excerpts from the Inspector's reasons on the employment issue in her decision letter paragraphs 7 to 28:

'Supporting and promoting Outer London as an attractive location for businesses giving access to relatively affordable work space is a strategic commitment under Policy 4.1 of the London Plan. Another is ensuring the availability of sufficient and suitable workspaces. Policy 4.2 recognises and looks to address strategic as well as local differences in the interests of the strengths of the diverse office

markets outside central London by (amongst others) focusing new development on viable locations with good public transport. The policy additionally encourages increases in the current stock (where there is evidence of sustained demand) and urges local authorities to develop strategies to manage long term structural changes in the office market and to support changes of surplus office space to other uses.

On the other hand, the UDP Business and Regeneration policies are underpinned by the objective of maintaining a diversity of accommodation for all business types and promoting the clustering of business types in appropriate locations. The aim accords with the broad thrust of London Plan Policy 4.1 and with the NPPF's support for achieving growth sustainably. The protection, therefore, provided by the UDP policies is a strong material consideration. In particular, UDP Policy EMP3 which is applicable, given the expectation of office accommodation on the site as a result of the 2010 appeal decision. The policy additionally allows for conversion or redevelopment of offices for other uses and does not apply a rigidly protective approach. It complies with paragraph 22 of the NPPF in that respect and should be accorded significant weight. The wording of the policy does not restrict its application to the Borough's older stock of offices only. In any case, the tests set out in the policy are relevant to considering the 'reasonable prospect' test in paragraph 22 of the NPPF.

The pre-consultation draft version of the Council's emerging Local Plan carries little weight in the determination of this appeal. I therefore see no merit in dwelling on the implications of identifying the Dylon Works site as a Locally Significant Industrial Site (LSIS) or the emerging policy relating to LSISs Equally, as Further Alterations to the London Plan (FALP) are at the consultation stage, the changes proposed to the wording of specific relevant policies carry little weight. However, the trends informing the FALP policies, such as the anticipated increase in housing need and in employment projections, are material to considering the position in Bromley.

Equally, the 2010 GVA Grimley study into Bromley's economic development and employment land, together with the March 2012 DTZ study, are pertinent (and referred to extensively in the evidence) for their findings on the demand and supply side of offices in the Borough. The December 2013 Michael Rogers report provides updated advice on the Bromley office market and, along with the aforementioned reports, is informing the local plan process.

Although Bromley's protection of its employment land in the UDP has its provenance in evidence dating back to 2004/2005, that protection has also to be seen against the background of the GLA's employment forecasts. The forecast to 2031 predicts employment growth between 2007 and 2031 of 4.9%. This was updated in Working Paper 39 and the FALP now shows a predicted increase of jobs in Bromley between 2011 and 2036 of 13.6%. The lower baseline in the early years can be

explained by current employment numbers being met by the current supply. However, a higher rate of growth is predicted in subsequent periods of the Plan.

The translation into employment floorspace from these projections predicts a requirement of 133,200 sq m of office floorspace to 2031 or a total employment requirement of 120,500 sq m (Footnote (1) – the lower figure (Table 32) reflects the falling demand for industrial and warehousing floorspace which is set against the increased figure for office floorspace). The DTZ study also shows that, despite falls in overall employment floorspace in 2010, the supply was in balance with the expected demand. The Council's evidence demonstrates that there has been a fall in the Borough's supply of business floorspace since 2008. The effect of that decline is evidenced by the change from a balanced supply/demand position in 2010, to one of an undersupply or shortfall to the tune of 18,000 sq m at the end of 2013.

This evidence is based on the DTZ report and updated by the Council's Annual Monitoring Report. There is no indication in any of these reports or the GLA's Working Paper of a decline in demand for employment floorspace. If anything, the demand for office floorspace in the Borough is predicted to rise while for other types of employment the demand continues to fall. The lower figure (Table 32) reflects the falling demand for industrial and warehousing floorspace which is set against the increased figure for office floorspace.

In the light of these findings, the appellant's assessment of office demand and supply is, in my view, wrongly based on a scenario of Bromley maintaining its current economic characteristics and no improvement. There may be a reduction in the amount anticipated since the GVA Grimley study, but the Council's evidence of overall decline in supply and the resulting mismatch with anticipated increase in demand is persuasive.

The appellant's analysis of supply is concerning, as it extends to the market area of Lewisham and even to sites as distant from the Bromley Borough boundaries as Surrey Quays. The approach may provide an insight into the current availability of offices in the two Boroughs but does not usefully add to the debate of how Bromley is expected to meet its own identified needs. Or even if the sites referred to are critical to Lewisham's needs. Furthermore, some of the sites shown as available in the list can be discounted for reasons ranging from Green Belt location, recent approvals under the prior notification process and loss of office space in town centre Opportunity Sites to other uses.

The December 2013 Michael Rogers report records the difficulties in attracting major new investment into Bromley town centre, given the lack of Grade A office stock. However, it goes on to conclude on a more positive note in that there are signs of improvement in the Bromley office market, increase in takeup levels and an upturn in

demand. The report also warns against a diminishing supply of offices due to recent conversion into residential or redevelopment of office sites.

This report applies to Bromley town centre and not to the Borough as whole. Nevertheless, in as much as a depressed demand in the centre and the structural decline referred to in the appellant's Office Report is said to have a knock-on effect on locations outside the town centre, the reverse must also apply. In other words, the optimism and increasing demand in the town centre should extend to the more outlying areas such as the appeal site. The good transport links and high quality offices intended for the site adding to its advantages.

The appellant's evidence refers to the London Office Policy Review of 2012. Although it predicts a period of sustained but modest growth, the Review also highlights the challenges facing the office market in Outer London locations. Despite its findings, the direction or emphasis of Policy 4.2 or 4.1 in the emerging FALP have not altered. Furthermore, it is the role of the Council through its local plan process to address the sort of structural changes in the office market described in the appellant's evidence. Loss of employment land on a piecemeal basis in advance of that process, and on the basis of contradictory evidence of supply and demand, would be premature.

Given all of the above, the appeal site with its permission for the office accommodation would contribute to the Borough's supply of accessible high quality office employment opportunities, in circumstances of a predicted rise in employment to 2031, an improving take-up rate (albeit currently only studied in terms of the town centre), an estimated fall in floorspace supply and lack of Grade A offices. The permitted offices would play a role in the Council's strategy of maintaining a diverse supply of employment opportunities in accessible locations, as encouraged in the London Plan.

The appeal site has not supported any employment for some years. However, in 2010 my colleague concluded there would be no loss of employment on the basis of a similar quantum of business floorspace forthcoming from the proposal at that time. That optimistic outcome does not apply to the appeal before me, which would lead to loss of those employment opportunities. The question is whether there is a reasonable prospect of the site being developed for office purposes?

There is no dispute that there has been no interest in the intended office accommodation, either in part or in whole, despite the extensive and robust marketing exercise carried out since June 2010. In the context of the timescale of a development plan, the period of less than 4 years does not provide a long enough basis for coming to properly informed conclusions on the long term prospects of the permitted office floorspace. This is particularly pertinent in the circumstances of the recent deep economic recession and the poor conditions that prevailed

for speculative investment in offices, or any development for that matter.

The viability appraisals undertaken on behalf of the appellant demonstrate the extent to which the office development on the appeal site would be uneconomic. It would be subject to significant negative land values, even with the cross-subsidy forthcoming from the residential elements of redevelopment on the Dylon site. The estimated rental level of £16 per sq ft is above that currently commanded by premises in Bromley North (£11 per sq ft). The DTZ report of 2012 also confirmed that speculative development would be highly unlikely without funding and/or incentives on the basis of values in the Bromley market at prime figures of £22/23 per sq ft in 2007.

In 2010 with rental values not dissimilar to those presented in the current evidence, the assumption was that the offices would be built and occupied. Those predictions have not come to pass; it is said because detailed appraisals were not carried out at that time and the structural decline in the office market in Outer London provides no confidence in finding occupiers for the new premises. On the appellant's predictions the prospects for any office development even in Bromley town centre would be uneconomic and only forthcoming through redevelopment or refurbishment proposals.

The gloomy forecast for the future employment market in Bromley is not however shared by the GLA or Bromley Council, on the evidence of a range of studies undertaken to inform their policies. The evidence may not point to a buoyant office market in Bromley, but there is some optimism with an indication of an improvement in the Bromley office market and measures likely to be put in place (on the advice of consultants) to enable the Borough to assist with boosting the market. One such measure is to prevent the loss of employment sites or premises outside town centres to provide capacity for growth and choice for the market (DTZ Borough-wide key recommendation).

The offices forming part of the current permission are located next to a station, close to other large employment areas and represent Grade A offices of which there is a shortage, even in the town centre. The accommodation forms part of a mixed use development and is the sort of development the appellant's adviser envisages is most likely to bring forward additional offices to the market.

The timing of the marketing for the appeal site is unfortunate, given the scale and depth of the recession, but improvements recorded in the market, and even the possibility of Bromley Town Centre being cast as an Opportunity Area in the forthcoming FALP, gives cause for optimism for the future of the appeal site as an employment opportunity. To allow loss of this valuable employment resource at this stage would be premature, contrary to Policy EMP3 and harmful to the Borough's employment strategy.'

The appellant agreed to satisfy the requirements of Policy IMP1 in terms of healthcare and education infrastructure contributions ahead of the appeal. In terms of affordable housing provision, the Inspector concluded that:

‘...the proposed redevelopment on the Dylon Works site would provide the reasonable maximum amount of affordable provision to comply with policies seeking to increase the affordable supply in Bromley and London as a whole.’

The Inspector concluded that the benefits of the scheme, including the significant boost to housing supply, did not outweigh the harm that would result from the loss of potential employment land in an accessible location.

The appellant has instituted an appeal to the High Court against the Inspector’s decision dismissing the appeal. The appeal is made on 4 grounds as follows:

- an alleged failure to take into account the impact of the decision on housing supply
- an alleged failure to undertake a lawful balancing exercise
- an alleged erroneous application of policy EMP3
- an alleged procedural unfairness and prematurity.

No date has yet been set for the court hearing, although it is likely to be heard in October/ November of this year. The Council has filed its acknowledgement of service, and has stated that it opposes the appeal.

At this time, the Inspector’s March 2014 decision carries significant weight as a material planning consideration including its being both recent and on a similar scheme.

The applicant has recently appealed against the Council’s non-determination of a planning application for the erection of five storey building comprising 74 residential units; A1 retail; A3 cafe/ restaurant and a D1 creche in place of Block A03 forming part of the approved planning permission 09/01664 (ref. 13/03467).. The application was a duplicate of the application recently considered at appeal with the exception that a financial contribution of £346,736 in lieu of on-site employment floorspace was proposed. A public inquiry is scheduled to commence on 13 January 2015 and the Council has decided in July 2014 to contest this appeal.

At the time of the last planning appeal, planning permission was also being sought for the demolition of the existing buildings and redevelopment to provide a part 5, part 7 storey building with 4,122 sq m of Use Class B1 floorspace on the ground floor with 147 residential units above at the adjacent Maybrey Business Park (ref. 13/01815). That application has been withdrawn.

Planning Considerations

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

UDP:

T1	Transport Demand
T2	Assessment of Transport Effects
T3	Parking
T5	Access for People with Restricted Mobility
T6	Pedestrians
T7	Cyclists
T15	Traffic Management
T18	Road Safety
H1	Housing Supply
H2	Affordable Housing
H7	Housing Density and Design
NE7	Development and trees
BE1	Design of New Development
BE2	Mixed Use Development
BE10	Locally Listed Buildings
BE17	High Buildings and the Skyline
NE7	Development and Trees
G6	Land adjoining Green Belt or Metropolitan Open Land
EMP1	Office Development
EMP2	Office Development
EMP3	Office Development
EMP4	Business Areas
S7	Retail and Leisure Development
C2	Community Facilities and Development
C3	Access to buildings for people with disabilities
ER7	Contaminated Land
ER9	Ventilation
IMP1	Planning Obligations

London Plan

2.6	Outer London: Vision and Strategy
2.7	Outer London: Economy
3.3	Increasing Housing Supply
3.4	Optimising Housing Potential
3.5	Quality and Design of Housing Developments
3.6	Children and Young Peoples Play and Informal Recreation Facilities
3.8	Housing Choice
3.9	Mixed and Balanced Communities
3.11	Affordable Housing Targets
3.13	Affordable Housing Thresholds
4.1	Developing London's Economy
4.2	Offices
4.4	Managing Industrial Land and Premises

- 4.12 Improving Opportunities for All
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 6.1 Strategic Approach
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy.

Policy EMP3 of the UDP states that:

'The conversion or redevelopment of offices for other uses will be permitted only where: (i) It can be demonstrated that there is no local shortage of office floorspace and there is evidence of long term vacancy despite marketing of the premises; and (ii) There is no likely loss of employment resulting from the proposal.'

The subtext at paragraph 10.17 states that

'The age and configuration of some older office buildings in the Borough may be a barrier to their successful re-occupation. Many modern companies now seek flexible space that can accommodate the needs of various new technologies within the shell of the building. Rather than see these buildings stand empty for extended periods, proposals that advocate a mix of uses will be considered favourably. Appropriate mixed-use proposals will contribute to the vitality and employment opportunities within the Borough's larger town centres, while also contributing to local housing requirements.'

The site lies within a designated Business Area. Policy EMP4 of the Unitary Development Plan states that Business Areas are only suitable for Class B1, B2 and B8 use. The subtext at Paras. 10.18-10.20 of the UDP states, inter alia, that:

‘The business areas consist largely of land with established light industrial and warehousing uses. The Council wishes to safeguard a supply of such land in the Borough to provide for the growth and development of business and industry. Consequently, proposals in the Business Areas for uses not within Use Classes B1 to B8 will not normally be permitted.

Analysis has shown that the supply of vacant industrial sites and premises in the Borough is diminishing and that most do not generally remain vacant or undeveloped for long. In these circumstances, the extent of the Business Areas shown on the Proposals Map represents a sufficient, though limited, supply of good quality sites for modern business development.’

Policy 4.1 of the London Plan states, inter alia, that ‘The Mayor will work with partners to:

a. promote and enable the continued development of a strong, sustainable and increasingly diverse economy across all parts of London, ensuring the availability of sufficient and suitable workspaces in terms of type, size and cost, supporting infrastructure and suitable environments for larger employers and small and medium sized enterprises, including the voluntary and community sectors

c. support and promote outer London as an attractive location for national government as well as businesses, giving access to the highly-skilled London workforce, relatively affordable work space and the competitive advantages of the wider London economy.’

The subtext at paragraphs 4.3-4.4 states, inter alia, that:

‘Providing the basis for the continued growth and economic development of all parts of London is a key theme of this Plan. The capital has had a history of change and innovation, and this is likely to remain the case for the future. The role of planning is to facilitate that change in ways which ensure that all parts of London and all kinds of enterprises can flourish and contribute to the prosperity of the whole city, and all of its people...

...This Plan aims to ensure that London continues to excel as a world capital for business, while also supporting the success of local economies and neighbourhoods in all parts of the capital (see Chapter Two). Particular emphasis is placed on supporting the greater contribution outer London can make to the capital’s economic success (policies 2.6-2.8). The Mayor established a Commission to identify the scope for sustainable growth there. It concluded that outer London could make a stronger contribution to growth of the capital and the wider city region, providing an attractive location for sectors which are currently located in surrounding parts of south-east England.’

Policy 4.2 of the London Plan states, inter alia, that:

‘The Mayor will and boroughs and other stakeholders should:

- a support the management and mixed use development and redevelopment of office provision to improve London’s competitiveness and to address the wider objectives of this Plan, including enhancing its varied attractions for businesses of different types and sizes including small and medium sized enterprises
- b recognise and address strategic as well as local differences in implementing this policy to:
 - consolidate and extend the strengths of the diverse office markets elsewhere in the capital by promoting their competitive advantages, focusing new development on viable locations with good public transport, enhancing the business environment including through mixed use redevelopment, and supporting managed conversion of surplus capacity to more viable, complementary uses
- c encourage renewal and modernisation of the existing office stock in viable locations to improve its quality and flexibility.’

The subtext at paragraph 4.10-4.13 states, inter alia, that:

‘In recent decades London’s economy has been increasingly service-based, and this is likely to continue. As a result, ensuring there is enough office space of the right kind in the right places is a key task for the London planning system.

Local plans and strategies should support the conversion of surplus offices to other uses and promote mixed use development in the light of integrated strategic and local studies of office demand. Informed by the independent London Office Review Panel a ‘plan, monitor and manage’ approach will be used to reconcile office demand and supply across the development cycles likely to be encountered over the years to 2031. This may well provide scope for changes from surplus office to other uses, especially housing, providing overall capacity is sustained to meet London’s long-term office needs. The scope for re-use of otherwise surplus large office space for smaller units suitable for small and medium enterprises should also be considered.’

Paragraph 22 of the National Planning Policy Framework states that:

‘Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market

signals and the relative need for different land uses to support sustainable local communities.'

The London Borough of Bromley Retail, Office, Industry and Leisure Study (March 2012) prepared by DTZ identifies a significant requirement for office space (121,000m²) driven by business services and financial services.

The London Borough of Bromley Economic Development and Employment Land Study (January 2010) states that 'the employment data suggest that there will be a need in the longer term for additional office floorspace'.

The proposal gives rise to the following healthcare and education infrastructure contributions that will be required to accord with the Council's Planning Obligations SPD:

Education

Pre-School:	£14,004.15
Primary:	£60,649.60
Secondary:	£55,912.31
Further Education:	£30,509.70

Total: £161,075.75

Health

Total: £77,220.00

Education and Healthcare Total £238,295.75

As regards affordable housing, a viability appraisal of the development approved under planning permission ref. 09/01664 was undertaken prior to the commencement of the development and it was determined that the scheme could not support the provision of any affordable housing on site. This was confirmed at arbitration and it was agreed that the appellant would make a financial contribution in the sum of £80,000 to the Council towards affordable housing provision elsewhere in the borough. This was secured by the Deed of Discharge dated 4th July 2010.

The application is accompanied by a Financial Viability Assessment that seeks to demonstrate that the scheme is less viable than the scheme that was considered by the Inspector during the February 2014 appeal against the Council's non-determination of application ref. 13/01973. This is to be expected as the current scheme includes office floorspace (1468m²) whereas the February 2014 scheme included more dwellings. The Inspector concluded that the £80,000 payment in lieu of on-site affordable housing was the maximum that could reasonably be supported by the scheme. Officers have received external expert advice from consultants that the scheme will be less viable than the residential scheme considered at the appeal and little will have changed in viability terms since the inspector's decision. It can therefore

be reasonably considered that the scheme is acceptable in terms of affordable housing policy. However, this also casts some doubt on the deliverability of the current proposal.

Conclusion

The main issue is the effect the proposal would have on the Borough's employment land supply and the prospect of the appeal site delivering office accommodation and whether other material considerations would override the harm caused by this issue.

Apart from the introduction of balconies to the rear elevation of Block A03 facing into the site, the appearance of the building remains otherwise unchanged from the approved scheme. The revised scheme can therefore be considered acceptable in terms of its impact on character and there will be no unduly harmful impacts on the residential amenities of the occupants of nearby residential dwellings.

The scheme is also be considered acceptable in terms of education and healthcare contributions and in terms of affordable housing policy in view of the Financial Viability Assessment submitted with the application, that considered at the most recent appeal and the Inspector's conclusions on Affordable Housing.

The main issue to be considered in this case is therefore the acceptability of 55 residential units and 1,468m² office floorspace in place of the previously approved 6,884m² office floorspace.

The Inspector's report and decision is a significant material consideration in terms of assessing the current proposal. The Inspector considered a proposal for 74 residential units in place of the previously approved 6884m² office floorspace. So by comparison, the current proposal includes 1,468m² more office floorspace and 19 fewer flats. The Inspector stated that there is cause for optimism for the future of the appeal site as an employment opportunity in the long term.

The Inspector considered that the proposal considered at appeal conflicted with Policy EMP3 of the UDP which resists the conversion or redevelopment of offices for other uses except where it is demonstrated that there is no local shortage of office floorspace and there is evidence of long term vacancy despite marketing of the premises, and where there is no likely loss of employment resulting from the proposal. The Inspector took the view that Policy EMP3 is applicable given the expectation of office accommodation on the site as a result of the 2010 appeal decision and that the wording of the policy does not restrict its application to the Borough's older stock of offices only.

The site lies within the Lower Sydenham Business Area, to which Policy EMP4 applies. The policy applies to a range of Class B uses and seeks to resist loss of land within allocated Business Areas to non-Class B uses such

as is proposed here. However, the Inspector took the view that Policy EMP4 is inconsistent with the NPPF insofar as the policy fails to reflect the sequential testing of main town centre uses, in this case offices. She further stated that the policy does not provide the flexibility advocated in paragraph 22 of the NPPF, and took the view that Policy EMP4 does not command the weight accorded to a Development Plan policy. Whilst the site remains designated as a business area, she concluded that the planning history suggests that the site is unlikely to revert to an industrial use. Paragraph 22 of the NPPF provides a separate test that can be considered alongside the requirements of Policy EMP4. Paragraph 24 of the NPPF states that 'local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan'. It is considered that the requirement for a sequential test is not relevant to the appeal scheme as there is an existing planning permission for a 'town centre' office use on the site. It is therefore considered that Policy EMP4 remains relevant and the current proposal is in conflict with the requirements of this policy.

The retention of the employment opportunity provided by the permitted office use is supported by London Plan Policy 4.1 which provides a strategic commitment to 'support and promote outer London as an attractive location for national government as well as businesses, giving access to the highly skilled London workforce, relatively affordable work space and the competitive advantages of the wider London economy'.

Policy 4.2 promotes the development of the London office market by focussing development on viable locations with good public transport links. It is considered that the loss of offices will be contrary to Policies 4.1 and 4.2 of the London Plan.

The proposal results in the loss of 5,416m² of the previously permitted office floorspace and will provide 1,468m², which at this stage it is anticipated will be built speculatively. When assessing employment generation, this is significant. The proposal results in a degree of conflict with Policies EMP3 and EMP4 of the Unitary Development Plan and Policies 4.1 and 4.2 of the London Plan. It is therefore necessary to consider whether there are material planning considerations sufficient to outweigh this conflict with the Development Plan.

The applicant has suggested that the previously permitted scheme is not viable at this time and asserts that the application scheme will allow the redevelopment of the site to proceed, delivering economic and employment benefits and making a significant contribution to the borough's housing supply. The applicant has also submitted information to demonstrate that the scheme will have the potential to support more employment through the retail unit, café/restaurant, crèche and offices than the former Dylon factory operating at full occupation and production.

However, the Inspector gave her conclusions on the issue as follows:

'It is suggested that development of the site with the office accommodation would not proceed, because it would be uneconomic to do so. Viability of developing the site with 100% market housing is also questionable, but the developer is willing to proceed with a housing scheme partly because of the certainty of an end occupier. The commercial elements of the permitted scheme may not attract the same level of certainty under current market conditions. However, the evidence points to signs of recovery in the office market and the attraction of completed high quality offices in this location remains to be tested. The uncertainty may not provide optimum conditions for a speculative development, but the long term requirements of the Borough and the employment objectives of the development plan take precedence in this case.'

and she continued:

'The proposal falls short of meeting the development plan employment policies and aims. Loss of the office floorspace would also render it unsustainable in economic and social terms and cause the scheme to fail against the NPPF presumption in favour of sustainable developments. The benefits (including the local employment charter in the unilateral undertaking) and matters I find in favour of the scheme do not override the harm identified.'

The current scheme includes an additional 1,468m² more office floorspace than the Inspector considered, and 19 fewer flats. The same conclusions as reached by the Inspector apply to this proposal in respect of development plan employment policies, in particular due to the limited amount of office floorspace proposed. The proposal would contribute dwellings towards housing needs and planning obligations contributions. However, on balance, the proposal is not in accordance with the UDP and London Plan employment policies and this is not outweighed by other policy or material planning considerations.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The proposal has not satisfied the tests in National Planning Policy Framework para. 22 and would therefore result in the loss of a valuable employment opportunity and the long term protection of the site should continue. The proposal is contrary to the Borough's employment strategy and Policies EMP3 and EMP4 of the Unitary Development Plan and Policies 4.1 and 4.2 of the London Plan.

INFORMATIVE(S)

- 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)).

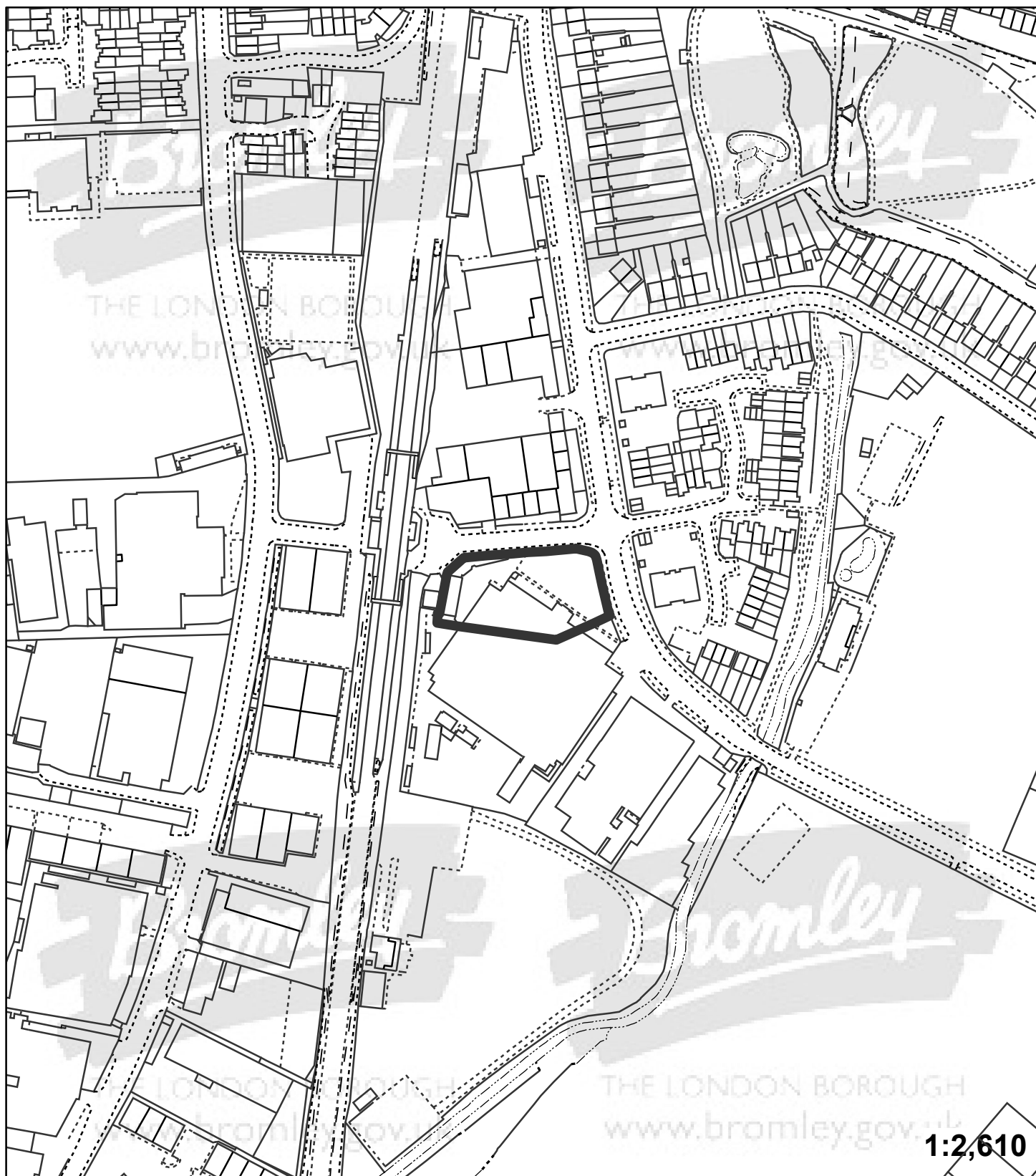
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

Application:14/01752/FULL1

Address: Dylon International Ltd Worsley Bridge Road London SE26 5BE

Proposal: Erection of a five storey building comprising 55 residential units; B1 office; A1 retail; A3 cafe/restaurant; and a D1 creche in place of Block A03 of the approved permission ref. 09/01664/FULL1 for the redevelopment of the Dylon site



"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

Appeal Decision

Inquiry held on 4, 5, 6 and 7 February 2014

Site visit made on 5 February 2014

by Ava Wood Dip Arch MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 March 2014

Appeal Ref: APP/G5180/A/13/2206836

Dylon International Ltd., Worsley Bridge Road, Bromley SE26 5HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Relta Ltd. against the Council of the London Borough of Bromley.
 - The application Ref: DC/13/01973/FULL1 is dated 5 July 2013.
 - The development proposed is erection of five storey building comprising 74 residential units; A1 retail, A3 café/restaurant; and D1 crèche on the site of building A03 in place of approved building forming part of implemented planning permission (DC/09/01664/FULL1) of 15 April 2010 for the redevelopment of former Dylon site.
-

Decision

1. The appeal is dismissed and planning permission is refused for erection of five storey building comprising 74 residential units; A1 retail, A3 café/restaurant; and D1 crèche on the site of building A03 in place of approved building forming part of implemented planning permission (DC/09/01664/FULL1) of 15 April 2010 for the redevelopment of former Dylon site.

Preliminary Matter

2. The Statement of Common Ground (dated 16 December 2013) records that the Council resolved to contest the appeal (I summarise) on the basis of loss of employment land, and inadequate evidence that the development is unable to support affordable housing provision or provide contributions towards healthcare or education.
3. A completed unilateral undertaking submitted at the Inquiry includes contributions towards healthcare and education and overcomes the Council's objections relating to those aspects. The remaining objections form the basis of the main issues identified below.
4. The main parties confirmed (by email dated 11 March and 12 March 2014) that no further comments were necessary in the light of the Planning Practice Guidance, which was published after the Inquiry closed.

Main Issues

5. These are:

- The effect the proposal would have on the Borough's employment land supply and the prospect of the appeal site delivering office accommodation.
- The ability of the proposal to support affordable housing.
- Whether other material considerations would override the harm caused by one or both of the issues above.

Reasons

Employment Issue

6. The development plan policies of relevance to this issue are contained in the Business and Regeneration chapter of the 2006 adopted Bromley Unitary Development Plan (UDP) and Chapter 4 (Economy) of the July 2011 London Plan.
7. Supporting and promoting Outer London as an attractive location for businesses giving access to relatively affordable work space is a strategic commitment under Policy 4.1 of the London Plan. Another is ensuring the availability of sufficient and suitable workspaces. Policy 4.2 recognises and looks to address strategic as well as local differences in the interests of the strengths of the diverse office markets outside central London by (amongst others) focusing new development on viable locations with good public transport. The policy additionally encourages increases in the current stock (where there is evidence of sustained demand) and urges local authorities to develop strategies to manage long term structural changes in the office market and to support changes of surplus office space to other uses.
8. The Council finds support in Policy 4.4 of the London Plan which is concerned with managing industrial land and premises. When the Dylon Works were operational, the appeal site would have contributed to the industrial land supply of the Borough. However, the land and building have not been used for industrial purposes for some years. Permission was granted in April 2010 for the site to be redeveloped with a housing-led, mixed use scheme which includes 6,884 sq m of B1 office accommodation. The permission has been implemented; the former industrial use is lost and the site is unlikely to revert to such a use. For that reason, the relevance of Policy 4.4 is questionable.
9. The Council also relies on UDP Policy EMP4. The policy applies to a range of Class B uses and seeks to resist loss of land within allocated Business Areas to non-Class B uses. The appeal site lies within the Lower Sydenham Business Area. I agree with the proposition that there is an element of inconsistency with the National Planning Policy Framework (NPPF) insofar as the policy fails to reflect the sequential testing of main town centre uses - in this case Class B1 offices. Furthermore, the policy does not provide the flexibility advocated in paragraph 22 of the NPPF. For reasons of inconsistency with the NPPF, UDP Policy EMP4 does not command the weight accorded to a development plan policy.
10. On the other hand, the UDP Business and Regeneration policies are underpinned by the objective of maintaining a diversity of accommodation for all business types and promoting the clustering of business types in appropriate locations. The aim accords with the broad thrust of London Plan Policy 4.1 and with the NPPF's support for achieving growth sustainably. The protection, therefore, provided by the UDP policies is a strong material consideration. In

particular, UDP Policy EMP3 which is applicable, given the expectation of office accommodation on the site as a result of the 2010 appeal decision. The policy additionally allows for conversion or redevelopment of offices for other uses and does not apply a rigidly protective approach. It complies with paragraph 22 of the NPPF in that respect and should be accorded significant weight. The wording of the policy does not restrict its application to the Borough's older stock of offices only. In any case, the tests set out in the policy are relevant to considering the 'reasonable prospect' test in paragraph 22 of the NPPF.

11. The pre-consultation draft version of the Council's emerging Local Plan carries little weight in the determination of this appeal. I therefore see no merit in dwelling on the implications of identifying the Dylon Works site as a Locally Significant Industrial Site (LSIS) or the emerging policy relating to LSISs. Equally, as Further Alterations to the London Plan (FALP) are at the consultation stage, the changes proposed to the wording of specific relevant policies carry little weight. However, the trends informing the FALP policies, such as the anticipated increase in housing need and in employment projections, are material to considering the position in Bromley.
12. Equally, the 2010 GVA Grimley study into Bromley's economic development and employment land, together with the March 2012 DTZ study, are pertinent (and referred to extensively in the evidence) for their findings on the demand and supply side of offices in the Borough. The December 2013 Michael Rogers report provides updated advice on the Bromley office market and, along with the aforementioned reports, is informing the local plan process.
13. Although Bromley's protection of its employment land in the UDP has its provenance in evidence dating back to 2004/2005, that protection has also to be seen against the background of the GLA's employment forecasts. The forecast to 2031 predicts employment growth between 2007 and 2031 of 4.9%. This was updated in Working Paper 39 and the FALP now shows a predicted increase of jobs in Bromley between 2011 and 2036 of 13.6%. The lower baseline in the early years can be explained by current employment numbers being met by the current supply. However, a higher rate of growth is predicted in subsequent periods of the Plan.
14. The translation into employment floorspace from these projections predicts a requirement of 133,200 sq m of office floorspace to 2031 or a total employment requirement of 120,500 sq m¹. The DTZ study also shows that, despite falls in overall employment floorspace in 2010, the supply was in balance with the expected demand. The Council's evidence demonstrates that there has been a fall in the Borough's supply of business floorspace since 2008. The effect of that decline is evidenced by the change from a balanced supply/demand position in 2010, to one of an undersupply or shortfall to the tune of 18,000 sq m at the end of 2013.
15. This evidence is based on the DTZ report and updated by the Council's Annual Monitoring Report. There is no indication in any of these reports or the GLA's Working Paper of a decline in demand for employment floorspace. If anything, the demand for office floorspace in the Borough is predicted to rise while for other types of employment the demand continues to fall.

¹ The lower figure (Table 32) reflects the falling demand for industrial and warehousing floorspace which is set against the increased figure for office floorspace.

16. In the light of these findings, the appellant's assessment of office demand and supply is, in my view, wrongly based on a scenario of Bromley maintaining its current economic characteristics and no improvement². There may be a reduction in the amount anticipated since the GVA Grimley study, but the Council's evidence of overall decline in supply and the resulting mismatch with anticipated increase in demand is persuasive.
17. The appellant's analysis of supply is concerning, as it extends to the market area of Lewisham and even to sites as distant from the Bromley Borough boundaries as Surrey Quays. The approach may provide an insight into the current availability of offices in the two Boroughs but does not usefully add to the debate of how Bromley is expected to meet its own identified needs. Or even if the sites referred to are critical to Lewisham's needs. Furthermore, some of the sites shown as available in the list can be discounted for reasons ranging from Green Belt location, recent approvals under the prior notification process and loss of office space in town centre Opportunity Sites to other uses.
18. The December 2013 Michael Rogers report records the difficulties in attracting major new investment into Bromley town centre, given the lack of Grade A office stock. However, it goes on to conclude on a more positive note in that there are signs of improvement in the Bromley office market, increase in take-up levels and an upturn in demand. The report also warns against a diminishing supply of offices due to recent conversion into residential or redevelopment of office sites.
19. This report applies to Bromley town centre and not to the Borough as whole. Nevertheless, in as much as a depressed demand in the centre and the structural decline referred to in the appellant's Office Report is said to have a knock-on effect on locations outside the town centre, the reverse must also apply. In other words, the optimism and increasing demand in the town centre should extend to the more outlying areas such as the appeal site. The good transport links and high quality offices intended for the site adding to its advantages.
20. The appellant's evidence refers to the London Office Policy Review of 2012. Although it predicts a period of sustained but modest growth, the Review also highlights the challenges facing the office market in Outer London locations. Despite its findings, the direction or emphasis of Policy 4.2 or 4.1 in the emerging FALP have not altered. Furthermore, it is the role of the Council through its local plan process to address the sort of structural changes in the office market described in the appellant's evidence. Loss of employment land on a piecemeal basis in advance of that process, and on the basis of contradictory evidence of supply and demand, would be premature.
21. Given all of the above, the appeal site with its permission for the office accommodation would contribute to the Borough's supply of accessible high quality office employment opportunities, in circumstances of a predicted rise in employment to 2031, an improving take-up rate (albeit currently only studied in terms of the town centre), an estimated fall in floorspace supply and lack of Grade A offices. The permitted offices would play a role in the Council's strategy of maintaining a diverse supply of employment opportunities in accessible locations, as encouraged in the London Plan.

² Scenario 1 in GVA Grimley's report

22. The appeal site has not supported any employment for some years. However, in 2010 my colleague concluded there would be no loss of employment on the basis of a similar quantum of business floorspace forthcoming from the proposal at that time. That optimistic outcome does not apply to the appeal before me, which would lead to loss of those employment opportunities. The question is whether there is a reasonable prospect of the site being developed for office purposes?
23. There is no dispute that there has been no interest in the intended office accommodation, either in part or in whole, despite the extensive and robust marketing exercise carried out since June 2010. In the context of the timescale of a development plan, the period of less than 4 years does not provide a long enough basis for coming to properly informed conclusions on the long term prospects of the permitted office floorspace. This is particularly pertinent in the circumstances of the recent deep economic recession and the poor conditions that prevailed for speculative investment in offices, or any development for that matter.
24. The viability appraisals undertaken on behalf of the appellant demonstrate the extent to which the office development on the appeal site would be uneconomic. It would be subject to significant negative land values, even with the cross-subsidy forthcoming from the residential elements of redevelopment on the Dylon site. The estimated rental level of £16 per sq ft is above that currently commanded by premises in Bromley North (£11 per sq ft). The DTZ report of 2012 also confirmed that speculative development would be highly unlikely without funding and/or incentives on the basis of values in the Bromley market at prime figures of £22/23 per sq ft in 2007.
25. In 2010 with rental values not dissimilar to those presented in the current evidence, the assumption was that the offices would be built and occupied. Those predictions have not come to pass; it is said because detailed appraisals were not carried out at that time and the structural decline in the office market in Outer London provides no confidence in finding occupiers for the new premises. On the appellant's predictions the prospects for any office development even in Bromley town centre would be uneconomic and only forthcoming through redevelopment or refurbishment proposals.
26. The gloomy forecast for the future employment market in Bromley is not however shared by the GLA or Bromley Council, on the evidence of a range of studies undertaken to inform their policies. The evidence may not point to a buoyant office market in Bromley, but there is some optimism with an indication of an improvement in the Bromley office market and measures likely to be put in place (on the advice of consultants) to enable the Borough to assist with boosting the market. One such measure is to prevent the loss of employment sites or premises outside town centres to provide capacity for growth and choice for the market (DTZ Borough-wide key recommendation).
27. The offices forming part of the current permission are located next to a station, close to other large employment areas and represent Grade A offices of which there is a shortage, even in the town centre. The accommodation forms part of a mixed use development and is the sort of development the appellant's adviser envisages is most likely to bring forward additional offices to the market.

28. The timing of the marketing for the appeal site is unfortunate, given the scale and depth of the recession, but improvements recorded in the market, and even the possibility of Bromley Town Centre being cast as an Opportunity Area in the forthcoming FALP, gives cause for optimism for the future of the appeal site as an employment opportunity. To allow loss of this valuable employment resource at this stage would be premature, contrary to Policy EMP3 and harmful to the Borough's employment strategy.

Affordable Housing Issue

29. The ability of the appeal site to deliver affordable homes is considered against the background of the London Plan Policy 3.12 and the UDP Policy H2. The former encourages negotiations to achieve the reasonable maximum provision of affordable homes. The policy additionally urges the need to have regard to encouraging rather than restraining residential development. The NPPF is equally concerned with boosting significantly the supply of housing and advises the use of policies that take account of changing market conditions over time. The UDP Policy sets a target of 35% affordable homes on qualifying sites, but also provides flexibility on the basis of the affordability of a scheme.
30. The economics of providing affordable homes on the appeal site were considered by testing a variety of scenarios over the whole Dylon site: a scheme with 100% market housing; scheme with 203 market dwellings and 20 Private Rented Sector Initiative (PRSI) Units and a scheme that includes PRSIs and 20% affordable units across the whole site. The Council's evidence shows a viable development can be achieved on each of the 3 scenarios³, using an agreed Existing Use Value benchmark. The appellant's appraisals by contrast demonstrate significant deficits, even on the 100% market housing scenario. The substantive differences derive from disparities in two key variables. These are: revenues likely to be achieved for the housing elements of the development and costs (including professional costs).

Costs

31. The scheme on the Dylon Works site was designed by a well-acclaimed architect and recognised for the quality of its architecture by my colleague in 2010. The Council's assumptions about potential cost savings by virtue of a re-design is not the approach to be recommended in these circumstances.
32. The appellant's construction costs were reviewed by consultants⁴ appointed by the Council. Following a detailed analysis they confirmed the following: the rate per sq m was not unreasonable, if towards the upper end of their benchmark; mechanical and electrical costs were low; savings in the order of £1.8m could be achieved within the building fabric and that overheads and profits were high. They questioned the size of the basement and identified opportunities for savings. On the whole, however, the independent analysis does not seriously undermine the appellant's constructions costs.
33. The professional fees of 10% added to abnormal costs are necessary, given that such costs are likely to attract fees at least at the rate of professional fees charged elsewhere. It is not an unreasonable approach to adopt.

³ The Council agreed that anything more than 20% affordable housing would render the scheme uneconomic to develop

⁴ Franklin and Andrews

34. Other disparities in costs flow from the differences between the parties on capital values. The s106 and Mayoral CIL costs are agreed and so is the £80,000 off-site contribution for affordable homes.
35. The independent analysis confirms that the appellant's estimated costs are reasonable for the quality of the development proposed. There is no reason for me to take an alternative view.

Values

36. The Council's viability witness assumed a value of £350 per sq ft for market housing, £280 per sq ft for the PRSI units and £200 per sq ft for the affordable units. The appellant's corresponding figures are £316.54, 231.54 and £169. The £350 per sq ft is based on nearest comparables (although it was generally agreed that these were few and far between). It also reflects the way the market in Outer London is achieving high values and the quality of the building to be erected. The service charge (at £3,017 per flat) estimated in the appellant's evidence is an unusually high figure. A point confirmed in the January 2014 market report prepared on behalf of the appellant which records that the "*...suggested maintenance/service charge ...are considerably higher than any development in the surrounding areas of Beckenham and Bromley.*"
37. While there may be scope to reduce the service charge to a figure more appropriate to the location and with a review of the services offered, not much can be done to reduce the size of individual units of accommodation without risking altering the design of the building. The parties agreed that higher service costs and larger sized accommodation attract lower values per sq ft.
38. The limited number of actual sales at Cowdrey Mews and Montana Gardens relied on by the Council do not provide a realistic basis on which to make assumptions about sales values. Estimated values presented for the proposed redevelopment on the adjacent site (the Maybrey site) have fluctuated significantly over time and cannot be relied on.
39. The appellant's January 2014 market report possibly provides the most up to date comparisons based on a wider sample of properties. On balance, therefore, I am inclined to side with the appellant's evidence on private sales values but recognising that the increase in values in London generally and lower service costs could improve the situation.
40. There are no precedents or formal guidance for establishing values for the PRSI units. It is difficult to come to conclusions about the merits of the witnesses' respective methodology for calculating PRSI values. The 4% difference between the respective affordable housing values (as a percentage of the open market value) does not critically affect the respective assumptions of total values.
41. Notwithstanding my view that the appellant's values on costs and revenue are to be preferred, even on the Council's analysis the 20% affordable units scenario results in a nil surplus or deficit. With such narrow margins the risks are high, as the smallest of variations could lead to a non-viable development.
42. That position was established as recently as 2012 when, in advance of an arbitration to determine benchmark land values, the appellant agreed to contribute a commuted sum of £80,000 for off-site payment towards affordable housing in the Borough. With that offer still in place, and in the light of the

appellant's conclusions on the viability of developing with 20% affordable housing, it follows that the proposed redevelopment on the Dylon Works site would provide the reasonable maximum amount of affordable provision to comply with policies seeking to increase the affordable supply in Bromley and London as a whole.

Other Material Considerations

43. The appellant's case draws on the pressing need for additional housing in London. That the Borough is currently able to point to a 5 year supply of housing does not remove the obligation to commit to additional homes, given the shortage identified in the London Plan and no limits on maxima. The proposed increase in the FALP is a further indication of the escalation required to meet current significant shortfalls.
44. The increase in number of housing units on the Dylon Works site would help meet an urgent London-wide need with an acceptable mix of units. The PRSIs (secured through the unilateral undertaking) would widen choice of tenure, in line with up to date guidance. Development of this neglected and derelict site with buildings of the high architectural quality intended is an additional consideration to weigh into the overall balance.
45. The site already benefits from a permission that will bring forward a substantial number of additional homes on land that is currently delivering none. The proposal before me would add a further 74. But it would also lead to the loss of valuable employment floorspace and risks undermining the Council's employment strategy. While significantly boosting housing supply is strongly urged in the London Plan and the NPPF, that objective is not intended to occur at the expense of other equally important considerations, such as provision of sufficient and diverse employment land to meet a likely growing demand. On balance, therefore, loss of potential employment land in this accessible location weighs against the scheme before me, even in the face of the benefits described.

Conclusions

46. It is suggested that development of the site with the office accommodation would not proceed, because it would be uneconomic to do so. Viability of developing the site with 100% market housing is also questionable, but the developer is willing to proceed with a housing scheme partly because of the certainty of an end occupier. The commercial elements of the permitted scheme may not attract the same level of certainty under current market conditions. However, the evidence points to signs of recovery in the office market and the attraction of completed high quality offices in this location remains to be tested. The uncertainty may not provide optimum conditions for a speculative development, but the long term requirements of the Borough and the employment objectives of the development plan take precedence in this case.
47. Objections to the scheme were articulated by third parties at the Inquiry. However, development of the Dylon Works site for a residential-led mixed use scheme was established in 2010. Although the appeal scheme would increase the housing density on the site, the additional dwellings would be provided with on-site parking spaces at levels agreed with the highways authority. Furthermore, contributions towards education and healthcare (secured through

the unilateral undertaking) would mitigate the pressure on local services as a result of the additional dwellings.

48. The proposal falls short of meeting the development plan employment policies and aims. Loss of the office floorspace would also render it unsustainable in economic and social terms and cause the scheme to fail against the NPPF presumption in favour of sustainable developments. The benefits (including the local employment charter in the unilateral undertaking) and matters I find in favour of the scheme do not override the harm identified.
49. As I am dismissing the appeal on other grounds, it is not necessary for me to consider the acceptability of the provisions of the two submitted unilateral undertakings against the CIL Regulation tests. No other matters raised are sufficient to alter the balance of my considerations or my decision to dismiss the appeal.

Ava Wood
Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr William Upton of counsel	Instructed by Director of Legal Services
He called:	
Mr Simon Greenwood	Major Developments Team, LBB
BSc(Hons) MA MRTPI	
Miss Mary Manuel	Head of Planning Strategy, LBB
BA(Hons) MSC	
Mr Simon Tuddenham	Associate Director, Colliers International
BA(Hons) MSc MRICS	

FOR THE APPELLANT:

Mr Russell Harris QC	Instructed by West and Partners
He called:	
Mr Terence Holmes MSc	Director, P2M UK Ltd.
FRICS	
Mr John Stephenson	Senior Director, Grant Mills Wood
FRICS MCIARB	
Mr John Turner MRICS	Turner Morum Chartered Surveyors
Mr Christopher Francis	Partner, West and Partners

INTERESTED PERSONS:

Councillor Russell Mellor	Local councillor
Mr David Wood	President, Beckenham Society and local resident

DOCUMENTS

1	Opening submissions on behalf of the appellant
2A, 2B & 2C	Extracts from Draft Further Alterations to the London Plan (FALP)
3	Extracts from meetings held on 7 and 15 January 2014 concerning Bromley's Local Plan
4	Comparison Employment Projections Tables: London Plan 2011 and Draft FALP 2014
5	Information concerning Sites C and L (Bromley Town Centre Area Action Plan)
6	Extract from London Office Policy Review 2012
7	Details of the Maybrey Business Park proposal
8	Colliers and Turner and Morum Appraisal Comparison
9	Commentary on Colliers FVS dated 14 January 2014 – Development Costs
10	Mr David Wood's written statement and copy of letter to the chief planner
11	Service charge correction
12	Kinleigh Folkard and Hayward's estimation of achievable prices on the Maybrey Works site (sent to Colliers on 4 October 2013)

13A, 13B and 13C	Colliers' appraisals – scenarios 1b and 3 and with Class B1
14	F&A order of costs savings
15	Unilateral obligation (Education and Healthcare)
16	Unilateral obligation (Private Rented Sector Initiative and Employment Training Charter)
17	Mr Upton's closing submissions on behalf of LBB
18	Mr Harris's closing submissions on behalf of the appellant

This page is left intentionally blank

Application No : 14/02364/FULL1

Ward:
Hayes And Coney Hall

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

OS Grid Ref: E: 540502 N: 165373

Applicant : London Square

Objections : YES

Description of Development:

Part demolition of Hayes Court (Grade II listed) and detached outbuildings on site. Change of use and restoration of part of Hayes Court to accommodate 8 apartments (1 one bedroom and 7 two bedroom) and erection of 15 detached and mews style houses (1 x three bedroom, 8 x four bedroom and 6 x five bedroom) with associated communal and allocated car parking and landscaping including refuse/recycling store and cycle store

Key designations:

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

Proposal

Permission is sought to demolish a section of the Statutory Listed Building, along with associated outbuildings, change the use of the Listed Building from office (Class B1) to residential (Class C3) to form 8 residential units. The proposal also includes the erection of 15 detached and mews houses within the grounds of Hayes Court with associated communal and private car parking, landscaping and refuse/recycling/cycle stores.

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

The full details of the proposal are as follows:

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

- The proposal includes 9 mews houses, 5 detached two storey dwellings and 1 detached gate house dwelling.
- The scheme proposes a total of 23 residential units with a range of one, two, three, four and five bedroom units. The scheme proposes a density of 8.85 unit per hectare.
- All detached and mews style dwellings proposed will be two storeys in height. There will be three detached 'Villas' to the west of the Listed Building, two detached dwellings to the north east of the Listed Building and 9 mews dwellings to the east of the Listed Building that will be sited closely similar to the positions of the existing wings of the Listed Building. A detached gate house dwelling is proposed to the north east corner of the site.
- Car parking provision comprising 2 private car parking spaces and space for visitors within the curtilage of each house; and 2 private car parking spaces per apartment and 2 additional spaces for visitors in a shared parking area. The communal car park will be sited adjacent to the north of the mews, to the north east of the Listed Building. This area will include refuse/recycling and bicycle stores. A sub-station will be provided to the eastern boundary of the site.
- Landscaping improvements will be made which will reduce the existing level of hardstanding and increase the amount of soft landscaping that currently exists on site. This comprises a larger area of grass to the north of the Listed Building to replace some of the existing hardstanding along with more formal flower beds and planting in close proximity to the Listed Building. Tree planting will be included to the west of the Listed Building.
- Storage within the private garages of the 15 new residential dwellings will be available for cycling parking. A total of 20 cycle parking spaces are provided for the 8 apartments alongside the car parking area. This equates to 2 spaces per flat and 4 visitor spaces.
- The existing northern entrance and driveway will be retained in its current form, with the existing southern entrance to the site utilised to provide access to the Mews dwellings.
- Renovation and restoration works to the existing ice well on the site, providing improvements to the curtilage listed structure and providing a biodiversity enhancement by way of a bat hibernation site.
- The proposal comprises 100% market housing at submission stage. The applicant advises that the site can viably support a S106 contribution for affordable housing along with contributions for health and education. A Financial Viability Assessment has been submitted and independently assessed on behalf of the Council.

The application is accompanied by the following documents:

- Design and Access Statement
- Planning Statement
- Landscape Statement
- Heritage Appraisal
- Energy statement
- Transport Statement

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

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

- The main house can be returned to a residential use, which is more sympathetic to its historical form. The views of the main house from the north and south lawn can be enhanced. The Listed building as it stands is in a poor condition. The overall intention is to repair and conserve the original house to make it the centre piece of the new development.
- The site has been used as offices by the trade union UNITE since 1949. Unite has gradually vacated the site since 2011 and relocated its operations to alternative premises. The building is now largely vacant.
- The proposal has evolved as a result of in-depth pre-application consultation along with a public consultation over the course of over a year. The current scheme has been revised as a result of the Planning Department's pre-application comments following the recently refused scheme.
- Demand for office space in Hayes has been shown via marketing of the site to be insufficient to sustain the continued use of the site as office accommodation.
- The application proposes 23 residential units, making a significant contribution to the Borough's annual target.
- The proposed development represents a 22% increase in built volume and a 28% increase in built footprint. When the footprint and hardstanding of the proposed scheme are considered together, they comprise only 68% of the existing. The proposal will demolish inappropriate development and has been sympathetically designed to minimise the impact on the Urban Open Space. The proposal does not add a disproportionate amount of development to the site. A 16% increase in soft landscaping will be provided and provide opportunities for ecological enhancements.
- The amount of built development has been reduced from the previous application, with the reduction in scale of the dwellings and the removal of one of the proposed western detached houses. The area of the site occupied by built development has been reduced with the set back of the development to the western side of the site so that the building line of the Listed Building is respected.
- The development has been carefully designed to prevent impact on the openness of the adjoining Green Belt land. A buffer area has also been included to prevent any harm.
- The proposed scheme will preserve and enhance the listed building by repairing it and providing it with a sustainable long-term future. The

proposals represent a demonstrable benefit over the existing situation and fully satisfy national, regional and local planning policy for listed buildings.

- The majority of trees on the site will be retained and new areas of soft landscaping, which will enhance the site's visual appearance and ecological value, are proposed. The character and appearance of the conservation area will be preserved and enhanced by the proposed development.
- The proposed low residential density is justified given the need to respect the historic landscaped setting of the Grade II listed building, together with the site's designation as Urban Open Space and the resultant need to preserve the open character of the site.
- The proposed mix of units provides a good variety of family (three-bed plus) and non-family (one- and two-bed) accommodation in accordance with local and strategic objectives. The units will meet the London Plan space standards. All units will have either private gardens or access to the communal lawns.
- The development will not impact on local residential amenity. To the north, the Gatehouse will be well screened from neighbouring properties and the remainder of the development is sited a significant distance from other residential properties.
- In terms of ecology, the Preliminary Ecological Appraisal predicts that, as a worst case scenario, the development is likely to result in a minor adverse ecological effect.
- The development proposals provide two private car parking spaces and space for visitors within the curtilage of each house. The shared parking area provides two parking spaces per apartment plus two visitor spaces. The level of parking provided is necessary to support the development without creating overspill car parking on the local road network and address concerns raised by local residents. A suitable amount of cycle storage is provided with waste/recycle storage.
- The main communal car parking area has been reduced in size in order to improve the view of the Listed Building, with the sub-station sited to the rear of the two detached eastern driveway houses. This also improves the view of the Listed Building when approaching from the main access drive.
- The development will be highly sustainable and will meet Code for Sustainable Homes Level 4 and BREEAM Very Good.
- The proposal provides an informal route through the site, improving access to the common and enhancing public views of the listed building.
- Following the recent planning history, the proposed site plan and drafted s106 agreement includes this public right of way along with the provision of a buffer zone around the site that will fall outside of the residential curtilages. This buffer can be included in the overall management plan for the site and will protect the existing boundary trees.

Location

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

by Green Belt woodland. Hayes School is sited in close proximity to the north on West Common Road.

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

Comments from Local Residents

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

- The road is dangerous and narrow, particularly when cars are parked along one side of the road to pick up from the school - traffic calming measures should be provided.
- Inadequate highway lighting at night and inadequate highway network for heavy construction traffic.
- Proposal has not been significantly reduced from the previous scheme and represents an over-development of the site.
- Expensive housing not required to assist the general housing need

The Wickham Common Residents' Association has commented that they would support the development of the Listed Building but object to the development of the grounds due to the designations of the land.

The Hayes Village Association has objected on the grounds that the proposal would over-develop the site. The buildings would also be of a design that would not be simple and would impact on the character of the original building. The three detached buildings to the west of the site would introduce a dominant and suburban arrangement that would be out of character.

The Orpington Field Club has commented on the application. The restoration of the ice house is encouraged and a fungal expert should assess the grounds in October. Local stock plants should be used and boundary shrubs prevented from spreading into the neighbouring Local Nature Reserve.

Comments from Consultees

The Council's Highways Officer raises no objections in respect of highway safety or public rights of way. Standard conditions are suggested.

Waste Services raised no objections to the previous application in regards to the layout of the site and the servicing of it.

The Council's Drainage Officer raises no objection subject to a surface water drainage condition.

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

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

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

English Heritage's Inspector of Historic Buildings has commented that the reduction in number of units and site coverage improves the development, however the proposal would continue to cause less than substantial harm to the heritage asset and its landscaped setting. The harm should be weighed against public benefits, including securing the optimal viable use. The benefits offered are recognised, and the additional measures of restoring the ice house and reinstating the public footpath are welcomed. Should the Council be minded to grant permission, a condition is suggested for a methodology for the conservation of the ice house to be submitted and approved.

The Council's Environmental Health (Pollution) Officer raises no objections subject to a standard condition requiring soil sampling.

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

The Strategic Housing Manager has commented that following an independent review of the Financial Viability Appraisal, its findings, which conclude that an in-lieu payment for affordable housing off site cannot be provided by the developer, is accepted in this case. A surplus payment may be possible in the future, should growth of the market occur. It is noted that the construction costs may be unusually high for such a scheme, and this may be considered to justify the position that the scheme would be unviable should a payment in-lieu be offered.

Natural England has commented on the proposal. Although no specific comment is made, Natural England recommends that the LPA takes full consideration of the environmental value of the site and assesses the impact on protected species (using the standing advice) as well as considering biodiversity enhancements. The site does not fall within any nationally designated landscape and the impact on local sites and SSSIs should also be considered where appropriate.

With Natural England's recommendations in mind, the Council has commissioned an independent review of the submitted Ecological Appraisal by an independent Ecologist. This review concluded that the previous recommendations were followed but further detail of the methodology for bat activity survey conditions and justification of the survey effort are required in order for the conclusions of the Ecological Appraisal to be relied upon. This information has been relayed back to the applicant and a further appraisal has been submitted to include further survey

activity in August. This further information has been assessed by the independent ecologist and is considered to satisfy the previous concerns, subject to the recommendations of the report.

The West Kent Badger Group has not commented on the current application. Under the previous application, the group undertook a walk-over survey and concluded that the site contains an active badger sett adjacent to the southern site boundary and other signs of badger activity. It was recommended that a watching brief of the whole site be undertaken by an experienced badger expert should permission be granted. The area surrounding the active sett particularly should be protected from plant, materials and demolition.

The Advisory Panel for Conservation Areas (APCA) has objected on the grounds that the south west housing would be too intensive on the setting of the Listed Building. The northern house should also be removed. The materials used should be London stock to complement the Listed Building. Conditions should be imposed to secure the restoration of the Listed Building and the Ice House.

Planning Considerations

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

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

G6 Land Adjoining Green Belt Or Metropolitan Open Land
G8 Urban Open Space
EMP3 Office Development

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

- Affordable Housing Supplementary Planning Document
- Planning Obligations Supplementary Planning Document
- Supplementary Planning Guidance for the Bromley, Hayes And Keston Commons Conservation Area

In strategic terms the most relevant London Plan policies are:

2.8 Outer London: Transport
3.3 Increasing Housing Supply
3.4 Optimising Housing Potential
3.5 Quality And Design Of Housing Developments
3.12 Negotiating Affordable Housing On Individual Private Residential And Mixed Use Schemes
3.13 Affordable Housing Thresholds
5.1 Climate Change Mitigation
5.2 Minimising Carbon Dioxide Emissions
5.3 Sustainable Design And Construction
5.7 Renewable Energy
5.12 Flood Risk Management
5.13 Sustainable Drainage
6.1 Integrating Transport And Development
6.3 Assessing Effects Of Development On Transport Capacity
6.9 Cycling
6.10 Walking
6.13 Parking
7.1 Building London's Neighbourhoods And Communities
7.2 An Inclusive Environment
7.3 Designing Out Crime
7.4 Local Character
7.5 Public Realm
7.6 Architecture
7.8 Heritage Assets And Archaeology
7.9 Heritage-Led Regeneration
7.13 Safety, Security And Resilience To Emergency
7.18 Protecting Local Open Space And Addressing Local Deficiency
7.19 Biodiversity And Access To Nature
7.21 Trees And Woodlands
8.2 Planning Obligations

The National Planning Policy Framework 2012 is also relevant.

Planning History

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

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

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

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

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

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

Planning permission was refused under ref. 13/04054 for part demolition of Hayes Court (Grade II listed) and detached outbuildings on site and 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.

The refusal grounds were as follows:

'The proposed development, by reason of the scale and excessive site coverage, would result in an overdevelopment of this semi-rural site, leading to the inappropriate suburbanisation of the site and a harmful impact on the open character and visual amenities of the Urban Open Space, contrary to Policies BE1 and G8 of the Unitary Development Plan.

The proposed detached dwellings, by reason of their number, design and siting, would erode the open nature of the site, resulting in a detrimental impact on the character and setting of the Statutory Listed Building, contrary to Policies BE1, BE8 and G8 of the Unitary Development Plan and the guidance within the National Planning Policy Framework.

The proposal would fail to preserve or enhance this part of the Bromley, Hayes And Keston Commons Conservation Area by reason of the erosion of the openness and landscaped setting of the site which is considered to contribute positively to the character and appearance of the conservation area, contrary to Policy BE11 of the Unitary Development Plan and the guidance in the Supplementary Planning Guidance for the Conservation Area.

In the absence of sufficient information to demonstrate otherwise, the proposal has the potential to impact harmfully on the ecological interest of the site and the future wellbeing of protected species, contrary to Policy NE5 of the Unitary Development Plan.

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.'

A corresponding Listed Building Consent application for part demolition of Hayes Court and detached outbuildings at site was refused on the following grounds:

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

Conclusions

The main issues to be considered are:

- the loss of office accommodation
- the density and quality of the housing proposed
- the acceptability of residential development within the Urban Open Space and its impact on the Urban Open Space
- affordable housing provision
- the impact on the setting and character of the Statutory Listed Building
- the impact on the character of the Bromley, Hayes And Keston Commons Conservation Area,
- the impact on the adjoining Green Belt
- the impact on trees
- the impact on ecology and protected species
- the impact on the amenities of neighbouring residential properties
- the impact on highway safety and parking

Loss of office space

The site has been used as an office (Class B1(a)) for a significant period of time and has been occupied by the Unite trade union since the mid-20th Century.

Policy EMP3 states that change of use from office to other uses will be permitted where it can be demonstrated that there is no local shortage of office floorspace, there is evidence of long term vacancy despite marketing of the premises, and there is no likely loss of employment resulting from the proposal. This policy is in accordance with Paragraph 22 of the NPPF which states planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

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

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

Density and quality of housing

Concerning the proposed density of the development, it is proposed to provide a low-density scheme due to the Urban Open Space designation of the site. Policy 3.4 of the London Plan provides residential density ranges for residential schemes. Further guidance is provided within the Mayor's Housing SPG (2012). The scheme provides a density of development that is lower than the figure given within this guidance. The site has a PTAL rating of 1 and the London Plan density matrix suggests 35-75 units per hectare. The scheme proposes 8.85 units per hectare however it is important to assess all qualitative factors when considering the acceptability of residential density. In this case, the applicant argues that the

designation of the site within Urban Open Space, along with the site containing an important setting of a Statutory Listed Building, would render a higher residential density wholly inappropriate. In light of the local context and low level of accessibility to public transport, the applicant argues that the density of development proposed is appropriate for the site.

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

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

Impact on the Urban Open Space

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

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

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

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

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

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

Policy G8 does not provide a mechanism for residential development to be constructed on UOS land, however it is considered that a limited amount may be acceptable in principle due to the desire to renovate the listed building and regenerate the site. The site coverage of buildings on the site will increase by around 28%, with a built volume increase of 22%. This remains a significant increase following the refused scheme and would not accord with the requirements of Policy G8 for the scale, siting and size of the proposal not to unduly impair the open nature of the site.

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

In this case, the increase in the amount of built development along with the spreading of built development across the wider site continues to be significant, however the reductions made following the refused scheme have reduced the utilisation of undeveloped parts of the site to a degree that Members may consider retains the open nature of the site. The case must be considered with regard to the balancing of Urban Open Space policy with other material considerations. The loss of some of the currently open space would create a limited harm. It may be considered that the resulting development would not constitute a disproportionate and excessive addition to the site and would result in an acceptable harm to the open character and visual amenities of the Urban Open Space, given the balance of these other considerations.

Affordable housing provision

The scheme has been submitted making no provision for affordable housing. Following an independent review of the Financial Viability Assessment provided by the applicant, a payment of £94,000 has been offered as a payment in-lieu for the provision of affordable housing off-site along with the required education and

health contributions. The Council's Strategic Housing Manager is satisfied that this is suitable, given the viability and constraints of the site.

Impact on the Statutory Listed Building

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

Despite the historical additions to the main building, Hayes Court retains a largely open and secluded area to the west and north of the site, with generally undeveloped grounds. Concerns were previously raised by English Heritage that the development of two storey dwellings to the north and west of the Listed Building would be considered harmful to its setting. The layout sprawled the built development across a larger area of the site that would create a suburban effect within the setting of the Listed Building. Following the refusal, the proposed reductions continue to cause some harm to the setting of the Listed Building, however, the views of it and from it would be improved by the reductions made.

It was previously considered that the two dwellings to the north of the Listed Building will block views to the Listed Building from this approach road to some degree. The main view of the Listed Building will not be clearly apparent until visitors have fully entered the site. However that is true of the present situation at the site. This view has been improved by the reduction in size of the car park area and its associated wall to the north of the Listed building. It is acknowledged that the proposal would continue to suburbanise the site and it is considered that the provision of a significant amount of development within the grounds of Hayes Court in the manner proposed cannot be considered to preserve the setting of the Listed Building. However, the case rests on the very special circumstance that the renovation of the heritage asset could not occur without other development within the grounds due to the unusually high costs of such a restoration. On balance, the scheme offers benefits for the future viability of the site and the securing of the heritage asset for the future. It is considered that in light of the reductions made to the scheme, the harm caused to the setting of the building may be considered by Members to be outweighed by the public benefits brought by the proposal and may be considered to comply with the guidance in the NPPF.

Impact on the Conservation Area

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

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

From a heritage perspective, the applicant has gone some way towards addressing concerns about the Western Housing by reducing the number of houses and their size so that the development now sits in line with the listed building. The mitigation is welcomed although it does not fully remove the harm caused. No change has been made to the driveway houses although admittedly the additional harm here is reduced by the fact that there is already development on this location. There would still be harm caused to the setting of the listed building and the conservation area, but this has been reduced to such an extent that the public benefit of reusing the listed building, landscaping, public access to the grounds and a commitment to repairing the icehouse, now means that the applicant has successfully achieved the test laid out in NPPF Para 134.

The SPG identifies the significance of the landscape context, and states that importance is given to the rural ambience, landscape qualities and trees within the conservation area. The listed building sits comfortably in a landscaped setting and long views of the principal façade occur across lawns from the north. The overall amount of development, including development to the west of Hayes Court, has been reduced from the previous proposal and preserves a larger amount of the landscaped areas of the site that contribute towards its special character. On balance, the proposal would not detract from the landscape setting of the Conservation Area, thereby preserving the special character and appearance of the site.

Impact on the adjoining Green Belt

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

Impact on trees

The Tree Officer has stated that although the proposal will bring built development closer to a group of trees to the south and west of the site, the measures proposed to protect these trees, including a buffer zone outside of the proposed residential curtilages, are considered acceptable and the proposal would not impact detrimentally on the trees within and surrounding the site.

Impact on ecology and protected species

The application is accompanied by an ecological study. This states that the site supports a semi-natural habitat, with deciduous woodland surrounding the site. The development of the existing lawn areas and hardstanding is therefore considered to have a limited impact on nature conservation, with the natural areas of the site largely retained. Within the structures on the site, evidence of bird roosting has been observed, however obvious bat roosts have not been discovered, and no hibernating bats found. The buildings do not appear to provide many openings and crevices that would be suitable for bat roosting, with one area of potential within the main building and other smaller crevices with some potential. A further bat survey has been carried out in the summer months to check for bat roosting in the main building during active periods, in line with the best practice guidelines. The Council's independent ecologist has concluded that the scheme would be acceptable subject to conditions.

The submitted survey highlights some mature trees on the site that may be suitable for bat roosting, and these are not indicated to be felled as part of the development. There are several vegetative parts of the perimeter of the site that are suitable for bird nest sites and these will also be protected where possible. With regard to protected species, the West Kent Badger Group has previously surveyed the site and found an active sett and other signs of activity, and have recommended a watching brief should permission be granted. The ecological surveys have concluded that the sett is unlikely to be occupied, however. In view of the above, it can be concluded that the scheme is acceptable from an ecology point of view.

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

Impact on the amenities of neighbouring residential properties

The proposed development is considered to have a limited impact on the amenities of neighbouring residential properties in terms of prospect, sunlight and daylighting. The proposed 'gate house' dwelling is located approximately 16m from No. 110 West Common Road, although it will be well separated from it and screened by existing trees and vegetation. All other new dwellings are located to the southern end of the site and are unlikely to impact on the amenities of dwellings in West Common Road, which are a considerable distance away.

Impact on highways and car parking

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

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

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

Summary

Having regard to the above it is considered that the proposal is acceptable in that it would not result in a significantly detrimental impact or significant harm to the openness of the Urban Open Space and would respect the setting of the Statutory Listed Building and the views to and from it within the site.

The scheme would preserve the character and appearance of this part of the Conservation Area and the rural character of the site.

The proposal would safeguard the future health of protected trees on and surrounding the site, and would preserve the health of any protected species at the site.

It is therefore recommended that Members grant planning permission.

The scheme includes a S106 legal agreement for health and educational provision, a payment in-lieu for off-site affordable housing, public access to the site, a landscaped buffer falling outside of the residential curtilages with associated site management plan and restoration works to the Ice House.

Background papers referred to during the production of this report comprise all correspondence on files refs. 13/04054, 13/04055, 14/02364 and 14/02410 excluding exempt information.

RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT

and the following conditions:

- | | | | | |
|----|--|---|------------|----|
| 1 | ACA01 | Commencement of development within 3 yrs | | |
| | ACA01R | A01 Reason 3 years | | |
| 2 | ACA05 | Landscaping scheme - implementation | | |
| | ACA05R | Reason A05 | | |
| 3 | ACB18 | Trees-Arboricultural Method Statement | | |
| | ACB18R | Reason B18 | | |
| 4 | ACC01 | Satisfactory materials (ext'n'l surfaces) | | |
| | ACC01R | Reason C01 | | |
| 5 | ACC02 | Sample brickwork panel | | |
| | ACC02R | Reason C02 | | |
| 6 | ACC03 | Details of windows | | |
| | ACC03R | Reason C03 | | |
| 7 | ACC08 | Satisfactory materials (all surfaces) | | |
| | ACC08R | Reason C08 | | |
| 8 | ACD02 | Surface water drainage - no det. submitt | | |
| | AED02R | Reason D02 | | |
| 9 | ACH04 | Size of parking bays/garages | | |
| | ACH04R | Reason H04 | | |
| 10 | ACH12 | Vis. splays (vehicular access) (2 in) | 2.4m x 90m | 1m |
| | ACH12R | Reason H12 | | |
| 11 | ACH16 | Hardstanding for wash-down facilities | | |
| | ACH16R | Reason H16 | | |
| 12 | ACH18 | Refuse storage - no details submitted | | |
| | ACH18R | Reason H18 | | |
| 13 | ACH22 | Bicycle Parking | | |
| | ACH22R | Reason H22 | | |
| 14 | ACH23 | Lighting scheme for access/parking | | |
| | ACH23R | Reason H23 | | |
| 15 | ACH29 | Construction Management Plan | | |
| | ACH29R | Reason H29 | | |
| 16 | ACH32 | Highway Drainage | | |
| | ADH32R | Reason H32 | | |
| 17 | ACI01 | Restriction of all "pd" rights | | |
| | Reason: In order to comply with Policies H7 and BE1 of the Unitary Development Plan and to prevent overdevelopment of the site. | | | |
| 18 | ACI20 | Lifetime Homes Standard/wheelchair homes | | |
| | ADI20R | Reason I20 | | |
| 19 | ACK01 | Compliance with submitted plan | | |
| | ACK05R | K05 reason | | |
| 20 | ACK05 | Slab levels - no details submitted | | |
| | ACK05R | K05 reason | | |
| 21 | ACK09 | Soil survey - contaminated land | | |
| | ACK09R | K09 reason | | |
| 22 | No loose materials shall be used for surfacing of the parking and turning area hereby permitted. | | | |
| | Reason: In order to comply with Policy T18 of the Unitary Development Plan and in the interest of highway safety. | | | |
| 23 | No development other than demolition to existing ground level shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological strip-map-and-record | | | |

in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing and a report on that evaluation has been submitted to and approved by the local planning authority in writing. Under Part A, the applicant (or their heirs and successors in title) shall implement a programme of archaeological investigation in accordance with a Written Scheme of Investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with Section 12 of the NPPF.

24 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 commencement of the development hereby permitted, and implemented in accordance with the approved details. The security measures to be implemented in compliance with this condition will achieve the "Secured by Design" accreditation awarded by the Metropolitan Police.

Reason: In the interest of security and crime prevention and to accord with Policies H7 and BE1 of the Unitary Development Plan.

25 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) An updated preliminary risk assessment which has identified:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors
 - o potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are

complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: For the protection of Controlled Waters. The site is located over a Secondary Aquifer and within SPZII. It is understood that the site has potentially contaminative uses (workshops, hydrocarbon storage).

26 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.

27 Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

Reason: Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.

28 Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

29 The development permitted by this planning permission shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles, where possible, and an assessment of the hydrological and hydro geological context of the development has been submitted to, and approved by, the Local Planning Authority. The surface

water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off rates to Greenfield in line with policy 5.13 of the London Plan.

Reason: To reduce the impact of flooding both to and from the proposed development and third parties.

30 The development permitted by this planning permission shall not commence until a methodology for the proposed conservation of the ice house, including measures to be taken to secure its future use as a bat roost, has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

Reason: In order to preserve and enhance the existing heritage assets at the site.

31 No retained tree shall be cut down, uprooted or destroyed, nor shall any tree be topped or lopped other than in accordance with drawing 8113/02 Rev A, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

Reason: In order to comply with Policy NE7 of the Unitary Development Plan and to ensure that existing trees to be retained on the site are adequately protected.

32 If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

Reason: In order to comply with Policy NE7 of the Unitary Development Plan and to ensure that existing trees to be retained on the site are adequately protected.

33 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with drawing 8113/02 Rev A before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: In order to comply with Policy NE7 of the Unitary Development Plan and to ensure that existing trees to be retained on the site are adequately protected.

34 The development hereby permitted shall be carried out in complete accordance with the survey, mitigation and biodiversity enhancement recommendations outlined in the Ecological Appraisal (updated August 2014) document accompanying the application. Any deviation from these recommendations shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing.

Reason: In order to comply with Policy NE5 of the Unitary Development Plan and in the interest of any protected species present at the site.

35 Details of a lighting scheme for the development designed to minimise where possible the impact on biodiversity in accordance with current or other appropriate guidance

http://www.bats.org.uk/pages/bats_and_lighting.html, in particular avoiding any lighting of the surrounding vegetation of Hayes Common, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The development shall be completed in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: In order to comply with Policy NE5 of the Unitary Development Plan and in the interest of any protected species present at the site.

36 The lawns shall be assessed by a fungal expert in late autumn and should any important species be found, the lawns shall be managed and treated without the use of chemicals.

Reason: In order to protect the health of any important species present at the site.

37 Prior to the commencement of the development hereby permitted, a watching brief shall be undertaken over the whole of the site by an experienced badger expert in order to assess for badger activity. The results of this watching brief shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. The area where the current sett is sited should be protected from plant, materials and demolition.

Reason: In order to comply with Policy NE5 of the Unitary Development Plan and in the interest of protected species present at the site.

38 Any cornicing revealed following the removal of the suspended ceilings shall be preserved in situ unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policy BE8 of the Unitary Development Plan and in the interest on the preservation of the Statutory Listed Building.

INFORMATIVE(S)

1 Written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage Greater London Archaeology guidelines. They must be approved by the planning authority before any on-site development related activity occurs.

2 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

3 Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges

typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

- 4 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 5 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 6 In order to comply with the surface water drainage condition, the applicant is required to carry out surface water design to include the following: Demonstrate how the principle of SUDS have been applied to the development identifying what techniques will be used. Estimate the greenfield discharge rate for the site. Estimate the volume of 1 in 100 year attenuation to be provided and what techniques will be used to provide the attenuation. Consider climate change in drainage scheme design.
- 7 Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the modifying of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant.
- 8 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)).

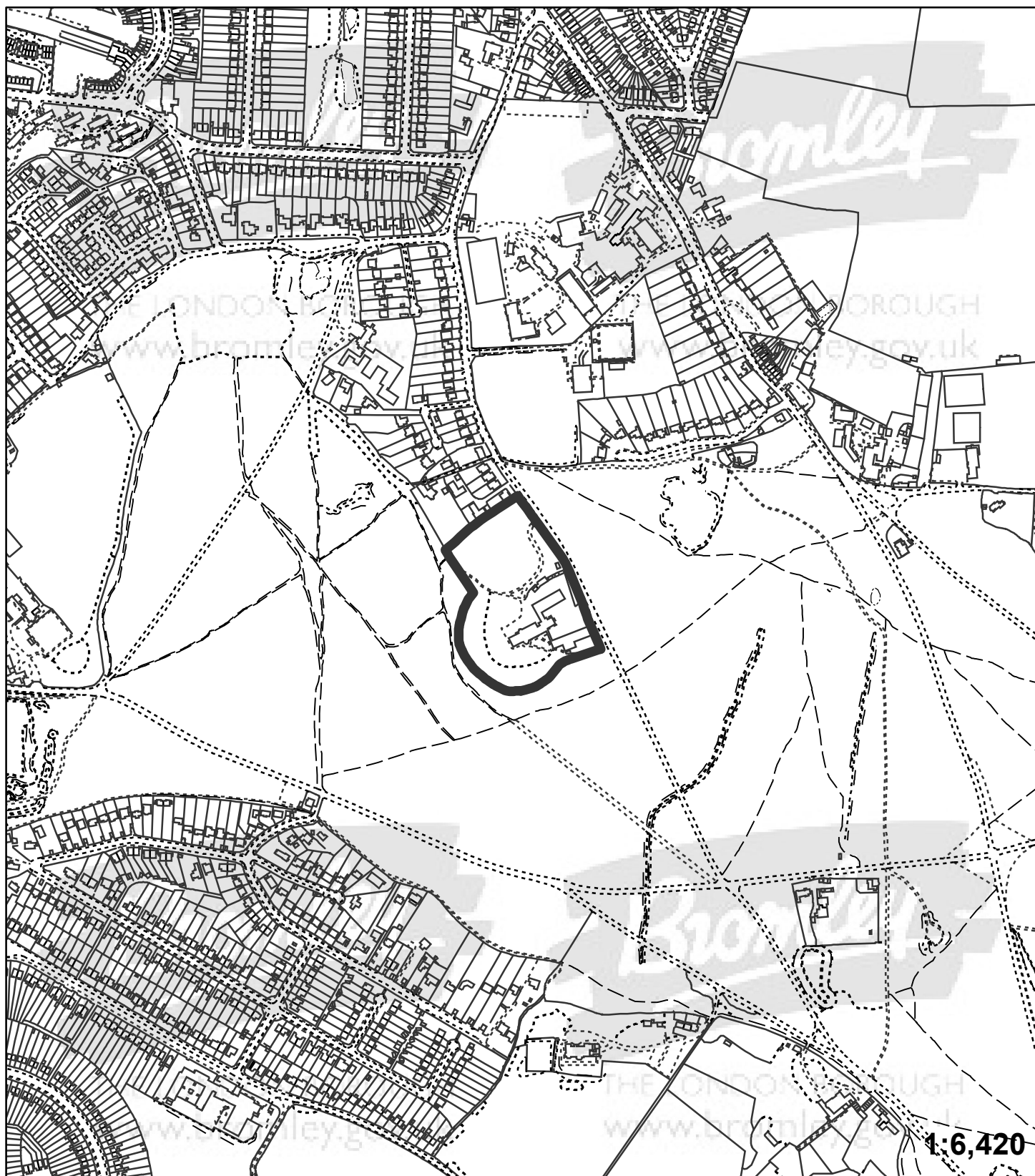
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

Application:14/02364/FULL1

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

Proposal: Part demolition of Hayes Court (Grade II listed) and detached outbuildings on site. Change of use and restoration of part of Hayes Court to accommodate 8 apartments (1 one bedroom and 7 two bedroom) and erection of 15 detached and mews style houses (1 x three bedroom, 8 x



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

Application No : 14/02410/LBC

Ward:
Hayes And Coney Hall

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

OS Grid Ref: E: 540502 N: 165373

Applicant : London Square

Objections : YES

Description of Development:

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

Key designations:

Conservation Area: Bromley Hayes And Keston Commons

Proposal

The proposal seeks Listed Building Consent for the partial demolition of Hayes Court and the associated outbuildings. The application is accompanied by a full planning application under ref. 14/02364 for the conversion of the Listed Building and the redevelopment of the site.

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

A full planning application (ref. 14/02364) accompanies the application on this agenda.

Location

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

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

Comments from Local Residents

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

The Wickham Common Residents' Association has commented that they would support the development of the Listed Building but object to the development of the grounds due to the designations of the land.

Comments from Consultees

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

Planning Considerations

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

- BE1 Design of New Development
- BE8 Statutory Listed Buildings

The National Planning Policy Framework

London Plan Policy 7.8 Heritage Assets And Archaeology

Planning History

Listed Building Consent application for part demolition of Hayes Court and detached outbuildings at site was refused on the following grounds:

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

This refusal was linked to a full application ref. 13/04054 for the redevelopment of the site.

Conclusions

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

The proposal seeks to remove the later additions to the building which are not considered to have any particular architectural merit. The building has been compromised by later additions so its immediate setting will be enhanced by the

removal of these elements. The proposed contemporary entrance to the east of the listed building is refined and will contrast with the original building in a positive manner. Internally much of the original character has been removed but nonetheless the existing floorplan exists largely intact and the proposed reuse proposes minimal alteration to this.

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

The application for Listed Building Consent is accompanied by a full planning application (ref. 14/02364) for the conversion of the Listed Building into flats with other development in the grounds of the Listed Building. This corresponding planning application is considered acceptable and therefore it is considered that the granting of Listed Building Consent would be appropriate in this case.

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

Background papers referred to during production of this report comprise all correspondence on files refs. 13/04054, 13/04055, 14/02364 and 14/02410 excluding exempt information.

RECOMMENDATION: GRANT LISTED BUILDING CONSENT

subject to the following conditions:

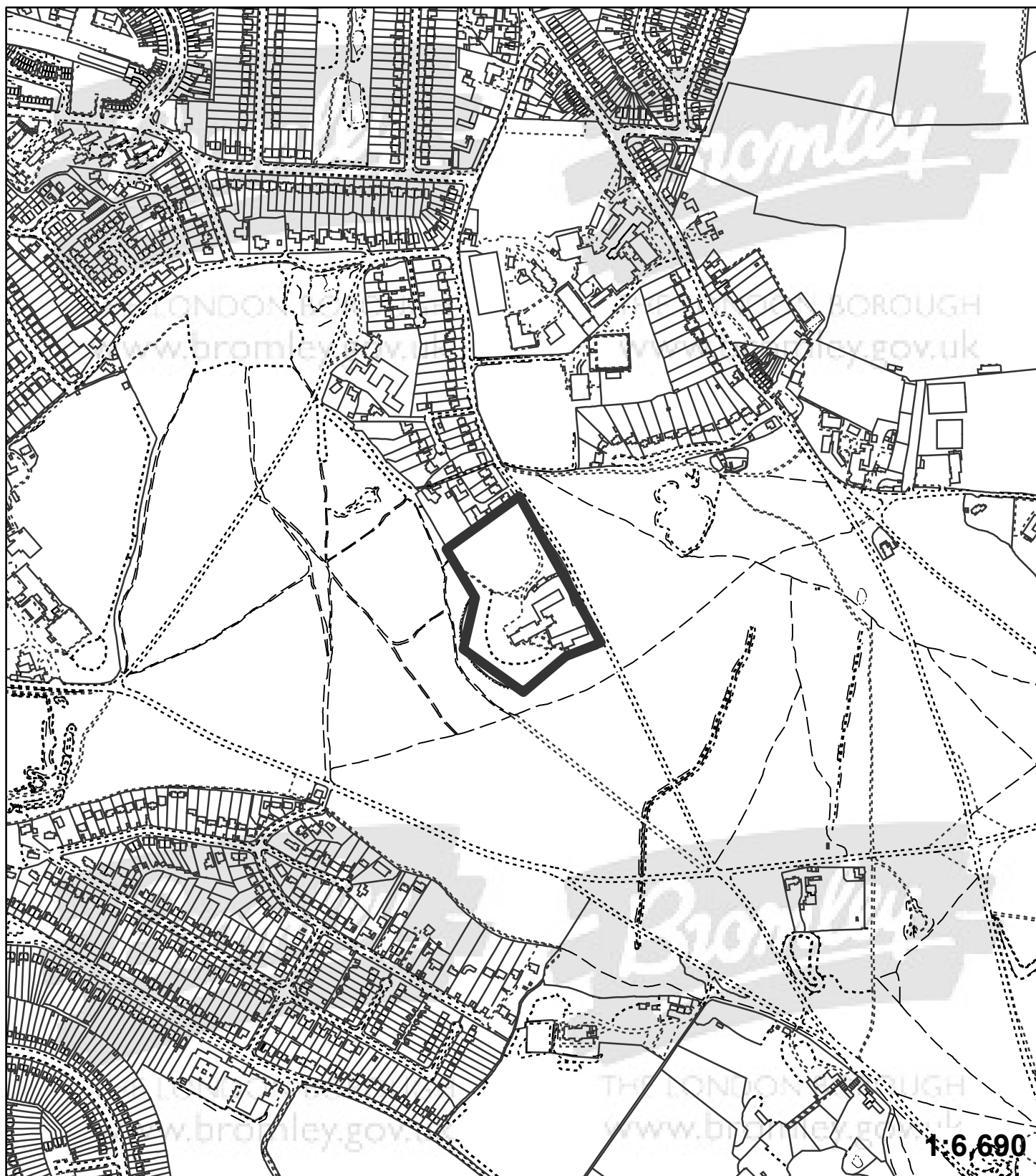
- 1 ACG01 Comm.of dev-Listed Building and Con.Area
 ACG01R Reason G01

Application:14/02410/LBC

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

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

LISTED BUILDING CONSENT



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

DRR14/086

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Thursday 4th September 2014

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

Title: LB BROMLEY FIVE YEAR HOUSING SUPPLY PAPER 2014

Contact Officer: Claire Glavin, Planner
Tel: 0208 313 4477 E-mail: Claire.Glavin@bromley.gov.uk

Chief Officer: Jim Kehoe, Chief Planner

Ward: (All Wards);

1. Reason for report

The National Planning Policy Framework (NPPF, March 2012) specifies that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. This report sets out the five year supply position for the Council from 1st April 2014 – 31st March 2019. It concludes that there is a suitable five year housing supply in the Borough.

2. **RECOMMENDATION(S)**

Members agree the five year housing supply position 01/04/14-31/03/19 as set out in Annex 1 of this report.

Corporate Policy

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

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Planning Division Budget (Excl Building Control & Land Charges)
 4. Total current budget for this head: £1.588m
 5. Source of funding: Existing controllable revenue budget for 2014/15
-

Staff

1. Number of staff (current and additional): 60ftes
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

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

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All residents in the Borough as well as those making planning applications for development in the Borough.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: Not applicable

3. COMMENTARY

Background

- 3.1 All London boroughs contributed to a comprehensive and robust pan-London assessment of housing capacity (London Housing Capacity Study (LHCS) 2004-05). This resulted in an annual housing provision target for the Borough of 485 units for a 10 year period (2007/08-2016/17) and was set out in the 2008 London Plan. Prior to this an annual target of 572 units applied to the Borough over a twenty year period (1997/98-2016/17). Reference to these figures is made in Policy H1 Housing Supply within the adopted Unitary Development Plan (UDP, 2006). A 10 year plan period (2011/12-2020/21) now applies to all London Boroughs for the purposes of monitoring housing supply as set out in the 2011 London Plan.
- 3.2 The GLA advised in January 2011 that targets prior to the 2008 London Plan (the adopted London Plan at the time) would not accrue and therefore the most relevant plan period was for ten years as opposed to the previous twenty year period referred to in the UDP.
- 3.3 The Council participated in the London-wide Strategic Housing Land Availability Assessment (SHLAA)/Housing Capacity Study (2009) to meet the requirements of Planning Policy Statement 3 Housing (PPS3) that was relevant at the time. The Assessment initially allocated an annual housing provision target of 565 dwellings per annum for the Borough shown in the Draft Replacement London Plan (2009/10 DRLP). After further amendment this figure was reduced to 500 units within the GLA Housing Technical Note (August 2010) prior to the Examination in Public (summer 2010).
- 3.4 The Panel Report into the Examination in Public for the DRLP (2011) endorsed the figures set out in the GLA Housing Technical Note as indicative figures to be checked and adjusted against any revised housing targets through the Local Plan or SHLAA process. At the EIP in response to comments from a number of Boroughs including Bromley, the GLA agreed to an early review of the SHLAA.
- 3.5 The Council took part in the 2013 London-wide SHLAA that was published in January 2014. Draft Further Alterations to the London Plan were also published in January 2014, informed by the 2013 SHLAA. The Alterations propose a revised annual housing target of 641 units per annum for the Borough and are subject to an Examination in Public that commences in September 2014. The increase from 500 units per annum is largely due to an increase in the projected small site figure from 195 to 352 units per annum. The Council opposes plans that show altered annual housing targets over 470 units per annum on the grounds that it is an unsustainable target over the 10 year plan period.
- 3.6 The five year housing supply period relevant to this initial work covers 01/04/14-31/03/19. Appendix 1 of this report updates the five year housing supply paper agreed by DC Committee in June 2013.
4. **National Planning Policy Framework (March 2012) (NPPF)**
- 4.1 The NPPF specifies in paragraph 47 that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 4.2 Paragraph 48 states that local planning authorities may make an allowance for windfall sites in the five year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.
- 4.3 In the event that the supply is not demonstrated then an Inspector may take this into account when assessing appeals against the refusal of planning permission for residential development.

- 4.4 The housing supply position for Local Planning Authorities should be monitored on an annual basis to ensure there is a continuous five year supply of housing.

National Planning Practice Guidance (March 2014)

- 4.5 The NPPG specifies that housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the five year supply. Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight information provided in the latest full assessment of housing needs should be considered.

- 4.6 Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within five years. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites. Demonstration of a five year supply is a key material consideration when determining housing applications and appeals.

5. LB Bromley Five Year Supply of Housing 2014

- 5.1 Annex 1 to this report sets out the Borough’s five year housing supply position (2014/15- 2018/19). This illustrates that the Borough can accommodate five years supply of housing through a variety of deliverable sites and has delivered sufficient completions over the past few years. Therefore a buffer of 5% of units has been added to the Borough’s overall 5 year target in line with the requirements of the NPPF.

6.0 POLICY IMPLICATIONS

- 6.1 The five year supply position is important to establish how the Borough is performing in terms of housing completions and future housing supply. The NPPF (March 2012) specifies that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

7.0 PERSONNEL AND FINANCIAL IMPLICATIONS

- 7.1 The number of hearings and public inquiries related to housing supply issues could increase significantly if a five year supply of housing cannot be demonstrated. This would have cost implications for the Council and time implications for personnel.

Non-Applicable Sections:	Legal
Background Documents: (Access via Contact Officer)	National Planning Policy Framework (March 2012) National Planning Practice Guidance (March 2014) The London Plan (July 2011) Authority Monitoring Report January 2014 (LB Bromley)

LB BROMLEY FIVE YEAR SUPPLY OF HOUSING

FIVE YEAR SUPPLY OF DELIVERABLE LAND FOR HOUSING (September 2014)

1.0 GOVERNMENT GUIDANCE

National Planning Policy Framework (NPPF) (March 2012)

- 1.1 The NPPF specifies in paragraph 47 that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 1.2 The NPPF specifies that to be considered deliverable, sites should be available now, offer a suitable location for development, be achievable with a realistic prospect that housing will be delivered on the site within five years and that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years.
- 1.3 Paragraph 48 states that local planning authorities may make an allowance for windfall sites in the five year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG) (MARCH 2014)

- 1.4 The NPPG specifies that housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the five year supply. Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight information provided in the latest full assessment of housing needs should be considered.
- 1.5 Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within five years. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites. Demonstration of a five year supply is a key material consideration when determining housing applications and appeals.

2.0 LONDON BOROUGH OF BROMLEY FIVE YEAR SUPPLY

- 2.1 This paper sets out Bromley's position on five year supply (01/04/14-31/03/19).
- 2.2 Policy H1 of the Adopted Unitary Development Plan (2006) deals with housing supply (11,450 units) over a period of 1997-2016. This period originates from the GLA London Housing Capacity Study (2000). The Study has been superseded by three other Assessments based on 10 year periods and incorporated into the London Plan (2008, 2011 and Draft Further Alterations to the London Plan 2014). It is considered that the current London Plan (2011) is the most up to date Plan to take into consideration for housing supply targets and reference to a 20 year period for monitoring purposes is no longer relevant.¹

¹ GLA advise (Jan 2011) that targets from previous plan periods do not accrue.

- 2.3 An annual housing target figure of 485 units applied to the Borough from 2007/08 – 2010/11 as a result of the Borough participating in the 2005 London Housing Capacity Study.
- 2.4 The Council contributed to the London-wide Strategic Housing Land Availability Assessment / Housing Capacity Study (SHLAA, 2009). As a result of the Assessment an annual housing monitoring target of 500 units was allocated to the Borough in the adopted London Plan (July 2011) for the plan period 2011/12 – 2020/21. The Council also contributed to the GLA's Strategic Housing Land Availability Assessment 2013 which forms part of the evidence base for the Mayor's London Plan and has informed the DFALP (2014). This Assessment has assigned a draft annual housing monitoring target of 641 units to the Borough. Until any Alterations are formally adopted the current target of 500 units per annum will be used for the purposes of this Paper.

Current housing provision targets and delivery

- 2.5 Table 1 below illustrates that housing completions have exceeded the current annual target (2007 – 2013) and are in excess of the cumulative target by 666 units. In light of this delivery it is considered that a buffer of 5% is relevant.

Financial Year	Completions (units)	Cumulative Completions	Cumulative Target
2007/08	713	713	485
2008/09	494	1207	970
2009/10	553	1760	1455
2010/11	672	2432	1940
2011/12	566	2998	2440
2012/13	646	3644	2940

Table 1 Completions 2007/08-2012/13

- 2.6 Table 2 sets out the Borough's position on housing delivery against the current ten year target (2011/12-2020/21). During the five year supply period Table 2 shows that the Borough needs to deliver approximately 2277 units (taking into account previous completions). The excess of completions for 2011/12 – 2013/14 has been spread throughout the remaining seven years of the Plan period.
- 2.7 Completions known to date for 2013/14 are in the region of 500 units on large sites (9 units and larger). Therefore an estimate of 600 units for the year is considered reasonable and likely to be exceeded.

Financial Year	Completions	Cumulative Completions to date	Cumulative Target
2011/12	566	566	500
2012/13	646	1212	1000
2013/14	600(est)*	1812	1500
2014/19	2277		4000
2019/20	-		4500
2020/21	-		5000

Table 2 Housing Targets LB Bromley 2011/12 – 2020/21 *estimate based on completions for 2013/14 known to date

- 2.8 The 5% buffer would increase the five year figure from 2277 units to 2391 units.

Five year supply position

- 2.9 The following sites make up Bromley's five year supply (based on units available and not whole sites) and are set out in Annex 1 to this paper:
- a) Large (9 units+) with planning permission and small sites;

- b) Large and small sites that have commenced;
- c) Relevant large identified sites.

a) Large Sites with planning permission and Small Sites

- 2.10 Sites were assessed to determine if they would be deliverable over the five year period. Where relevant, developers/agents were contacted to establish if sites were likely to be brought forward or if a start date was known. In some cases developers were able to confirm that work had already started on site or was imminent. If sites were unlikely to be pursued within the five year timescale they were removed from the list.
- 2.11 There are approximately 355 units on small sites (<9 units) in the pipeline that have not commenced. From 04/05 to 13/14, on average planning permission was granted for approximately 270 units per annum on these sites and completions on average have been in the region of over 230 units per annum. Over the past nine years, on average, delivery on small sites has typically accounted for around 36% of completions overall.
- 2.12 It is considered that delivery on small sites is not insignificant and has been demonstrated over the past eight years. Therefore an allowance of 500 units over five years is likely to be deliverable and takes into account advice set out in paragraph 48 of the NPPF.
- 2.13 The Government introduced Regulations in May 2013 to extend permitted development rights allowing for a change of use from B1(a) to C3 subject to a prior approval process up to May 2016. Over 200 units have been approved through this process up to July 2014. It is considered that during the five year housing supply period an estimated delivery of 150 units would be reasonable.

b) Long term empty homes (longer than 6 months) returning to use

- 2.14 The GLA advise that long term empty homes returning to use can be included in calculating completion targets for boroughs. During the Plan period to date 38 units in the Borough have been brought back into use (GLA Annual Monitoring Reports 11/12 and 12/13). An estimate of a total 50 units for the five year period has been included in Annex 1.

c) Sites that have commenced

- 2.15 Sites that have started are considered deliverable over the five year supply period. Any large completed sites were removed from the list in addition to units on uncompleted large sites (up to mid May 2014).
- 2.16 There are 152 units on small sites that have started and it is expected that these will be delivered by the end of the five year supply period.

c) Large identified sites

- 2.17 Site B within the Bromley Area Action Plan (BAAP, adopted October 2010) was included in the 2013 SHLAA results for Phase 2 of the Assessment. The BAAP states the site could accommodate 70 residential units on site. It is considered that 40 units could be deliverable in the five year period.
- 2.18 Development at Site K (Westmoreland Road) including 200 residential units was granted planning permission in March 2012 and is included in Annex 1 of this report.
- 2.19 Site L within the BAAP was included in the 2013 SHLAA results for Phases 2 and 3 of the Assessment (approximately 48 units). Negotiations are on-going for the site and it is anticipated that within the five year supply period approximately 70 units could now be deliverable.
- 2.20 Within the BAAP the Civic Centre site includes an allocation of 20 dwellings and a conservative estimate of 18 dwellings is shown in the 5 year supply.

Conclusion to date

- 2.21 The Council's five year housing supply position will be monitored and updated on a regular basis.
- 2.22 Appendix 1 illustrates that Bromley is able to meet its five year supply target of 2391 units (including the 5% buffer) given that there are 2456 deliverable units in the pipeline. In light of this, regard will be had to policies in the London Plan, the Bromley Development Plan, the NPPF, the NPPG and other material considerations when assessing new planning applications.

ANNEX (1)

Borough Reference	Net Gain Excluding unit completions	Site Address		Post Code	Ward	Current Permission Status	Permission Date
Sites with permission not commenced							
12/01843/FULL1	9	20-22	Main Road	TN16 3EB	BIGGIN HILL	Not started	04/06/2013
10/02964/FULL1	19	57	Albemarle Road	BR3 5HL	COPERS COPE	Not started	14/02/2012
10/02346/FULL1	9	125	Park Road	BR3	COPERS COPE	Not started	07/09/2011
11/03762/OUT	8	North Orpington Pumping Station	East Drive	BR5 2BH	CRAY VALLEY EAST	Not Started	30/05/2013
13/01670/FULL1	-12	1	Chilham Way	BR2 7PR	CRYSTAL PALACE	Not started	13/03/2014
12/03859/FULL1	9	193	Anerley Road	SE20 8EL	CRYSTAL PALACE	Not started	26/03/2013
13/02545/EXTEND	8	1	Maple Road	SE20 8EX	PENGE AND CATOR	Not started	25/09/2013
11/03600/FULL3	8	2-4	Raleigh Road	SE20 7JB	PENGE AND CATOR	Not started	13/03/2014
12/02049/OUT	8	44-45	Green Lane	SE20 7JX	PENGE AND CATOR	Not started	12/09/2012
11/01181/EXTEND and 11/01989/	14	Sundridge Park Manor	Willoughby Lane	BR1 3FZ	PLAISTOW AND SUNDRIDGE	Not started	04/10/2011
07/02483/FULL1	41	Sundridge Park Management Centre Ltd	Plaistow Lane	BR1 3JW	PLAISTOW AND SUNDRIDGE	Not started	09/10/2007
12/02695/DET	9	51	Palace Road	BR1 3JU	PLAISTOW AND SUNDRIDGE	Not started	16/01/2013
13/00905/OUT	38	25	Scotts Road	BR1 3QD	PLAISTOW AND SUNDRIDGE	Not started	11/06/2014
Sites Commenced							
11/01412/FULL1	4	49	Sunningvale Avenue		BIGGIN HILL	Started	21/07/2011
03/02319/OUT and 10/00740/DET	235	Blue Circle Sports Ground	Crown Lane	BR2 9PQ	BROMLEY COMMON AND KESTON	Started	22/11/2007
11/03865/FULL1	200	Site K Bromley Area Action Plan' Multistorey Car Park Simpsons Road		BR1	BROMLEY TOWN	Started	26/03/2012
07/03632/FULL1	160	Land At South Side Of	Ringers Road	BR1 1HP	BROMLEY TOWN	Started	04/01/2008
11/01958/EXTEND	8	14	Highland Road	BR1 4AD	BROMLEY TOWN	Started	08/08/2011
12/03385/FULL1	20	Sheila Stead House	Bushell Way	BR7 6SF	CHISLEHURST	Started	30/05/2013
12/00102/FULL1	42	Graham Chieseman House	St Pauls Cray Road	BR7 6QA	CHISLEHURST	Started	26/06/2013
07/03764/DET	4	Ravensbourne College Of Design & Communication	Walden Road	BR7 5SN	CHISLEHURST	Started	14/01/2008

Borough Reference	Net Gain Excluding unit completions	Site Address		Post Code	Ward	Current Permission Status	Permission Date
03/04554/FULL1	58	Maunsell House, 160	Croydon Road	BR3 4DE	CLOCK HOUSE	Started	26/02/2009
	44	Land Rear of 86-94	High Street	BR3	COPERS COPE	Started	26/07/2012
11/02140/OUT	48	Part Of Kent County Cricket Ground	Worsley Bridge Road	BR3 1RL	COPERS COPE	Started	29/03/2012
11/00701/OUT	28	Adjacent 7	Fordcroft Road	BR5 2DA	CRAY VALLEY EAST	Started	30/03/2012
12/00304/FULL1	50	76	High Street	BR6 0JQ	CRAY VALLEY EAST	Started	06/02/2013
10/03698/FULL1	-14	Alkham Tower	Bapchild Place	BR5 3PL	CRAY VALLEY EAST	Started	02/11/2011
12/02658/FULL1	41	Chipperfield Day Centre	Chipperfield Road	BR5 2PY	CRAY VALLEY WEST	Started	19/02/2013
07/04649/DET	29	Anerley School For Boys	Versailles Road	SE20 8AX	CRYSTAL PALACE	Started	10/03/2008
12/03634/FULL1	24	2	Betts Way	SE20 8TZ	CRYSTAL PALACE	Started	01.03.2013
04/03547/FULL1	10	Fair Acres Estate	Fair Acres	BR2 9BL	HAYES AND CONEY HALL	Started	21/01/2005
09/02956/DET	3	12-14	Kemerton Road	BR3 6NJ	KELSEY AND EDEN PARK	Started	26/01/2010
12/02443/FULL1 and 12/02913/FULL2	56	Holy Trinity Convent School	Plaistow Lane	BR1 3LL	PLAISTOW AND SUNDRIDGE	Started	07/11/2011
09/00422/FULL1	13	Plaistow Lane Service Station	Plaistow Lane	BR1 4DS	PLAISTOW AND SUNDRIDGE	Started	11/11/2009
Allocated sites							
UDP PROP SITE	10	Land adjacent Clock House station			CLOCK HOUSE		
Bromley Area Action Plan	40	Site B Tweedy Road			BROMLEY TOWN		
Bromley Area Action Plan	70	Sites L DHSS Building Westmoreland Road			BROMLEY TOWN	Permission subject to S106	
Bromley Area Action Plan	18	Civic Centre			BROMLEY TOWN		
Other sites							
12/00776/OUT	56	Grays Farm Production Village	Grays Farm Road	BR5 3BD	CRAY VALLEY WEST	Permission subject to S106	
12/00976/OUT	179	GlaxoSmithKline Langley Court	South Eden Park Road	BR3 3BS	KELSEY AND EDEN PARK	Permission subject to S106	
Small sites started from 01/01/11							
	152				BOROUGH-WIDE		
Small sites with planning permission							

Borough Reference	Net Gain Excluding unit completions	Site Address		Post Code	Ward	Current Permission Status	Permission Date
	500				BOROUGH-WIDE		
B1(a) to C3 Prior Approval Sites							
	150				BOROUGH-WIDE		
Long term empty properties returning to use							
	50				BOROUGH-WIDE		
OVERALL TOTAL	2456						

This page is left intentionally blank