



THE LONDON BOROUGH  
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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: 17 November 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 **TUESDAY 25 NOVEMBER 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  
4 SEPTEMBER 2014 (Pages 1-10)**

**4 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

In accordance with the Council’s Constitution, questions to this Committee must be received in writing 4 working days before the date of the meeting. Therefore please ensure questions are received by the Democratic Services Team by 5pm on Wednesday 19 November 2014.

**5 PLANNING REPORTS**

<b>ITEM NO.</b>	<b>APPLICATION NUMBER AND ADDRESS OF DEVELOPMENT</b>	<b>PAGE NO.</b>	<b>WARD</b>
5a	(13/03345/FULL1) - H G Wells Centre, St Marks Road, Bromley	11-30	Bromley Town

**6 DYLON INTERNATIONAL LTD, WORSLEY BRIDGE ROAD, LONDON SE26 5BE**  
*(Report to follow)*

**7 ARTICLE 4 DIRECTION - PETTS WOOD AREA OF SPECIAL RESIDENTIAL CHARACTER AND THE CHENIES AND CHISLEHURST ROAD CONSERVATION AREAS** (Pages 31-36)

**8 LAND KNOWN AS BECKENHAM GREEN LOCATED BETWEEN HIGH STREET AND ST GEORGE'S ROAD FOR REGISTRATION AS A TOWN OR VILLAGE GREEN** (Pages 37-44)

**9 DELEGATED ENFORCEMENT ACTION (JULY TO SEPTEMBER 2014)**  
 (Pages 45-48)

**10 RESPONSE TO DCLG CONSULTATION : "PLANNING AND TRAVELLERS"**  
 (Pages 49-60)

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

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

**Items of Business**

**Schedule 12A Description**

**12 DYLON INTERNATIONAL LTD, WORSLEY BRIDGE ROAD, LONDON SE26 5BE**  
*(Report to follow)*

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

.....

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held at 7.30 pm on 4 September 2014

### **Present:**

Councillor Peter Dean (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 Michael Turner

### **Also Present:**

Councillors Russell Mellor and Neil Reddin FCCA

### **13 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillors Nicky Dykes and Richard Scoates.

### **14 DECLARATIONS OF INTEREST**

No declarations of interest were received.

### **15 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 9 JULY 2014**

**RESOLVED** that the Minutes of the meeting held on 9 July 2014 be confirmed and signed as a correct record.

### **16 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

A written question was received from Mr Colin Willetts, Governor of Kemnal Academy. A copy of the question, together with the Chairman's response, is attached as Appendix 1.

### **17 MEMBERSHIP OF PLANS SUB-COMMITTEE NO. 2**

#### **Report CSD14130**

Members considered a request received from the Conservative Group, for Councillor Kate Lymer to replace Councillor Melanie Stevens, as a Member of the Plans 2 Sub-Committee.

**RESOLVED** that Councillor Kate Lymer replace Councillor Melanie Stevens as a Member of the Plans 2 Sub-Committee.

**18 PLANNING REPORTS**

**18a (14/01752/FULL1) - Dylon International Ltd, Worsley Bridge Road, London SE26 5BE**

Members considered the following planning application report:-

Item No.	Ward	Description of Application
6a (page 17)	Copers Cope	Erection of a five storey building comprising 55 residential units; B1 office; A1 retail; A3 café/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 <b>at Dylon International Ltd, Worsley Bridge Road, London SE26 5BE.</b>

Oral representations in objection to the application were received from Ward Member Councillor Russell Mellor who stated that this was a complex case and only the latest in a long-running saga dating back to 2010. Whilst the S106 Agreement would go some way to resolve issues concerning infrastructure there was room for improvement. Councillor Mellor urged Members to refuse the application and strengthen the grounds for refusal.

Councillor Michael agreed with the views of the visiting Ward Member and added that approval of the application would result in the loss of valuable employment space at a time when there were signs of an increase in future need. Councillor Michael moved that the application be refused.

It was reported that the site had lain vacant for several years before the submission of the previous planning application in 2010.

Councillor Allen considered the residential scheme to be an improvement on the current use of the site however, she was disappointed to note that no provision of affordable housing was proposed.

Councillor Fawthrop pointed out that although there was a specific lack of employment North of the borough, the applicant had not attempted to accommodate enough office space. Councillor Fawthrop seconded the motion to refuse the application.

Councillor Auld stated that the applicant had taken a simplistic role by declaring the provision of employment space to be unnecessary. This view was not supported by either the Council or the Appeal Inspector. Although the Inspector had recognised a slump in employment, the reports on which she relied had indicated a possible rise in the future.

Following a vote of 12-2, Members **RESOLVED** that the application be **REFUSED** as recommended, for the reason set out in the report of the Chief Planner.

**18b (14/02364/FULL1) - Hayes Court, West Common Road, Hayes, Bromley**

Members considered the following planning application report:-

Item No.	Ward	Description of Application
6b (page 55)	Hayes and Coney Hall	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 <b>at Hayes Court, West Common Road, Hayes Bromley BR2 7AU.</b>

Oral representations in support of the application were received from Mr Will Edmonds of Montagu Evans LLP who spoke on behalf of the applicant. Mr Edmonds reported that the current application before Members had addressed previous reasons for refusal. The Western Housing had been reduced in number and size so that the development now stood in line with the listed building. The soft landscaping proposals had also been increased.

The scheme complied with the desired minimum amount of development and the applicant's improvements to secure optimal viable use of the site had been recognised by the English Heritage Inspector.

As previously suggested by Members, badger surveys were being undertaken.

The Tree Officer had confirmed that the proposal would not impact detrimentally on trees within and surrounding the site.

In conclusion Mr Edmonds stated that a sum of £200k would be provided as a S106 contribution.

In response to Member questions, Mr Edmonds reported that the watching brief would identify any potential issue concerning species of flora or protected animals and each matter would be dealt with appropriately. Whilst

Tree Officers were satisfied trees would not become a problem, a maintenance regime would be put in place.

The Council had accepted that there was not sufficient value in the scheme for the provision of on-site affordable housing. The S106 figure had been evaluated as an appropriate sum for payment in lieu of such provision.

Oral representations from visiting Ward Member Councillor Reddin were received at the meeting. Councillor Reddin was not entirely satisfied with the proposed scheme which would result in a reduction of open space. He preferred to see no housing to the South West of the house. However, the reduction in the number and size of the proposed Western Housing along with its realignment with the listed building, did result in a reduction of footprint. The development would bring a new lease of life to the area and the proposed access to the grounds would allow members of the public to view an important heritage building. In conclusion, Councillor Reddin considered it would be a shame to pass up an opportunity to see Hayes House restored to its former glory and was content for the application to be approved.

Ward Member Councillor Arthur commended the applicant's effort in addressing previous concerns by organising public displays and discussing the application with members of the public. He was pleased to note that the proposed public access would enhance the current views of the listed building. The building and design materials complemented the natural surroundings of the area. Councillor Arthur moved that the application be granted.

Councillor Buttinger seconded the motion for approval but requested that two of the recommended conditions be strengthened. At a meeting of the Borough's Countryside Panel (of which Councillor Buttinger was a member), concerns were raised in relation to the species of bat found on the site. In this regard, the condition relating to bats should be strengthened to ensure they would not be disturbed by excessive light pollution. As a survey to identify important species of fungi had proved to be inconclusive, it was necessary that a watching brief be undertaken on the main lawn area.

The Chief Planner confirmed that the conditions relating to Councillor Buttinger's concerns would be enhanced where necessary. He also responded to the comments regarding the need to secure the restoration of the building by suggesting a widening the scope of the Section 106 Agreement to ensure that the Listed Building restoration work was undertaken at a suitable stage of the development.

Councillor Michael stated that although the proposed scheme would result in an improvement of the site, it was not ideal as she would prefer that no housing be established on the south west side of the area. However, Councillor Michael was pleased with the proposed restoration of Hayes Court Grade II listed building.

The Chief Planner confirmed that where necessary, trees would be removed and replaced as part of the overall landscaping scheme. A buffer would also be established to encourage suitable tree and landscape management.

**Members unanimously RESOLVED that PERMISSION BE GRANTED SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT as recommended, subject to the conditions and informatives set out in the report of the Chief Planner with the following amendments:-**

**Section 106 Agreement**

The S106 legal agreement is to include the provision of a financial contribution to healthcare and education infrastructure and an affordable housing provision. The agreement is to include 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. The agreement will secure the renovation and restoration of the Listed Building so that it shall be substantially completed prior to the first occupation of any dwellings (or a similar stage).

**Conditions 35, 36 and 37**

**35 Details of a lighting scheme for the development designed to minimise where possible the impact on biodiversity, and particularly bats, in accordance with current or other appropriate guidance [http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](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 Prior to the commencement of the development hereby permitted, the North Lawn as indicated within the Design and Access statement shall be assessed by a qualified fungal expert in late autumn and a brief of the findings submitted to the Local Planning Authority. Should any important species be found, the lawn shall be managed and treated permanently thereafter without the use of chemicals and in accordance with a suitable methodology outlined by the brief. The methodology shall be approved in writing by the Local Planning Authority prior to the commencement of the development.**

**Reason: In order to comply with Policies NE4 and NE5 of the Unitary Development Plan and 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, as outlined in the submitted Ecological Appraisal, 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.**

**18c (14/02410/LBC) - Hayes Court, West Common Road, Hayes, Bromley**

Members considered the following planning application report:-

<b>Item No.</b>	<b>Ward</b>	<b>Description of Application</b>
6c (page 79)	Hayes and Coney Hall	Part demolition of Hayes Court and detached outbuildings at site LISTED BUILDING CONSENT at Hayes Court, West Common Road, Hayes Bromley BR2 7AU.

Councillor Arthur moved that the application be granted; this was seconded by the Chairman.

**RESOLVED that LISTED BUILDING CONSENT be GRANTED as recommended, subject to the condition set out in the report of the Chief Planner.**

**19 LB BROMLEY FIVE YEAR HOUSING SUPPLY PAPER 2014**

**Report DRR14/086**

The National Planning Policy Framework specified that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. In line with this policy, Members considered the five year supply position for the Council from 1 April 2014-31 March 2019 which concluded there was a suitable five year housing supply in the Borough.

The Chairman stated he was satisfied that the figures indicated in the report complied with the National Planning Policy Framework.

Councillor Fawthrop reported that around 24 units in the Petts Wood area had continued to be out of use for over six months and were currently being refurbished. He asked why the units had not been utilised and why they had been excluded from the current identified figures. The Chief Planner agreed



to look into this matter and drew attention to a list of tabled corrections to the report.

**RESOLVED that the five year housing supply position for 1 April 2014 to 31 March 2019 (including corrections as tabled) be agreed.**

**20           RESPONSE TO GOVERNMENT CONSULTATION ON  
              FURTHER CHANGES TO THE PLANNING SYSTEM**

**Report DRR14/088**

The Government's "Technical Consultation on Planning" was published on 31 July 2014 and sought views across a range of issues built upon the recent planning reforms. Members were requested to agree the Council's response to the consultation which ended on 26 September 2014.

The Chairman outlined the report and considered that the officer responses to the consultation adequately reflected past views of the Development Control Committee with the exception of one or two which could be strengthened.

Councillor Michael stated that whilst the responses concerning permitted development rights addressed the majority of Member concerns, she suggested that the answer to Question 2.15 (paragraph 3.18, page 7) should be 'No' as the Authority preferred to retain control of such issues.

Councillor Fawthrop reported that new powers restricting parking should be put in place and suggested that the response to Question 2.16 (paragraph 3.19, page 7) should be begin with the word 'Yes'.

Referring to Question 2.18 (paragraph 3.21, page 7), Councillor Michael emphasised the need for strong control over the installation of solar PV up to 1MW on the roof of non-domestic buildings and for Members to retain the ability to refuse applications where an installation would result in an impact on visual amenity.

**RESOLVED that the Council's response to the Government's "Technical Consultation on Planning" be agreed subject to the following amendments:-**

- 1) The wording in response to Question 2.15 (paragraph 3.18), to be replaced with:- 'No – LPAs should retain control as such development could have highway or retail impact implications which should be properly assessed.'**
- 2) The response to question 2.16 (paragraph 3.19), should begin with the word 'Yes' followed by the wording set out in the report.**

- 3) The response to Question 2.18 (paragraph 3.21), should begin with the wording 'No - there should be consideration.....' followed by the wording set out in the report.**

The meeting ended at 8.10 pm

Chairman

## QUESTION TO THE CHAIRMAN OF DEVELOPMENT CONTROL COMMITTEE FOR WRITTEN REPLY

### Question from Mr C Willetts, Governor of Kemnal Academy

*“Could you update us as to the latest position on the LBB injunction proceedings ‘for the owner/operator to remove all tipped waste material/reinstate green belt land to its former appearance’ on the W4F site.”*

### Chairman’s Response

I presume that you refer to the decision of the Council to take proceedings under the Town and Country Planning Act for the encroachment of waste from the boundaries of the licensed waste transfer station onto adjoining land. This is a separate issue to the Environment Agency’s ongoing legal action relating to the Waste 4 Fuel site.

The Council have not sought an injunction as the company has complied with the requirement to remove the waste from the adjoining land. The Council is regularly visiting the site to check that no further encroachment on the adjoining land takes place and if necessary this decision will be reviewed.

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**Application No :** 13/03345/FULL1

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

**Address :** H G Wells Centre St Marks Road  
Bromley BR2 9HG

**OS Grid Ref:** E: 540522 N: 168636

**Applicant :** Cobalt Bromley South LTD

**Objections :** YES

## **Description of Development:**

Demolition of existing building and erection of a part 7, part 11, part 17 storey mixed use building comprising 256sqm community uses (use Class D1/D2), 1,467sqm office use (use Class B1) and 52 residential flats with associated landscaping and public realm works, new pedestrian links, refuse and cycle stores, plant room and 3 disabled car parking spaces

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Bromley Town Centre Area  
Flood Zone 2  
London City Airport Safeguarding  
London City Airport Safeguarding Birds  
Open Space Deficiency  
River Centre Line

## **Proposal**

Permission is sought for the demolition of the existing building and the erection of a part 7, part 11, part 17 storey mixed use building comprising:

- 256sqm community uses (use Class D1/D2)
- 1,467sqm office use (use Class B1)
- 52 residential flats
- Associated landscaping and public realm works
- New pedestrian links
- Refuse and cycle stores
- Plant room
- 3 disabled car parking spaces

Appearance and scale

- Part 7, 11, 17 storey building to a maximum height of 54m
- 7 storey element to the western boundary, 17 storeys to the east
- Recessed balconies to each apartment

- Residential use commences from 4th floor
- Exterior comprised of red brick and aluminium cladding

#### Site layout

- Lower ground floor comprises Class D1/D2 community hall, ancillary facilities, lounge, meeting room with entrance to the south
- A commercial entrance and single core access to first, second and third floors is set to the eastern elevation
- Residential access to the east provides access to commercial and residential refuse storage, two lifts, plant room and 52 cycle storage spaces
- Additional residential access to single core from northern elevation
- Creation of permeable access to the Waitrose car park to north
- Predominately hard landscaping to front of site with limited planting
- Three disabled parking spaces to front of public realm onto Masons Hill
- First floor being 'Upper Ground' with ground level access to northern elevation providing a secondary residential entrance and opening for commercial unit

#### Mix of uses

- A total of 52 residential flats comprising 11x1 bed, 40x2 bed and 1x3 bed units. 6 of these are proposed to be affordable (11.5%)
- all residential units will be built to the 'Lifetime Homes' standard and 10% wheelchair accessible
- Commercial Class B1 space at ground (32sqm), first (365sqm), second (420sqm) and third (430sqm) floors
- Commercial space divided as two open plan Class B1 office areas over three floors (1-3)

The site has an area of 0.08ha giving a residential density of 650 dwellings/ha.

#### Applicant's Submission in Support

The application is accompanied by a Planning Statement and Design and Access Statement (Addendum submitted 19th August 2014), in which the applicant submits the following summary points in support of the application:

- Bromley Town Centre is undergoing considerable change and the proposal would add to this by providing the opportunity to regenerate this part of Bromley South
- The site is within the town centre and comprises town centre uses with a significant quantum of office space and some 103 jobs
- The site represents a gateway into Bromley South and is significant in acting as a catalyst for future economic growth and regeneration in this part of the town centre
- The site is within an area which is deemed suitable for tall buildings in the AAP
- The site is a sustainable location with a high PTAL rating of 6a

- The proposal promotes town centre living which adds to the vitality of the area
- It will increase spending in the town centre helping to ensure the centre does not decline
- Providing residential development in the town centre assists in providing a secure environment at all times of the day and also encourages the night time economy
- Represents a deliverable windfall site with the applicant willing and able to push the development forward
- Although the site is not designated the AAP makes it clear that other sites can come forward where they meet the objectives of the AAP and Transport Strategy which the development does
- The proposal provides a sustainable development where people will want to work, live and socialise
- The site has little permeability at present and the proposal would open up the site providing secondary uses and spaces that will draw people from the High Street
- A pedestrian friendly environment
- The residential uses as part of a mixed use scheme accord with national and regional policy
- The development would assist the Council in meeting its aspirations for the town centre and housing targets
- Office provision over three floors accords with the AAP and will bring local jobs to local people
- Re-provision of community uses in line with planning policy
- Liaison has been entered into with the current Labour Club occupants and the option has been made available to them to occupy the proposed community space
- The community space has been designed to be flexible and high quality
- CABE commended the proposal on its high quality design and well thought out approach to the site and area, the written response was taken into account in the final design
- The proposal represents a landmark building of a high quality design and uses high quality materials ensuring longevity and a role as a facilitator for future regeneration
- The NPPF unequivocally states that sustainable development should be approved without delay and we urge the Council to approve the application so that this significant regeneration proposal can take place
- The site is informed by the tall buildings to the north and represents an ideal location for a tall building
- The buildings respond to the mass of the police station
- The proposal is set back from the southern boundary to respect the listed building opposite
- A comprehensive design encompassing the properties fronting Masons Hill is envisioned as a phase 2 development
- Creation of a vibrant public frontage to Masons Hill
- A site wide response to the urban context
- High quality landscaping

- The top of the building has been celebrated by increased height focused on certain view points, and the bottom encourages permeability interaction through the increased use of glazing
- The building has been designed to appear slender when viewed from a distance, to have a distinctive form yet integrate within its surroundings
- The proposals include for the provision of a new pedestrian linkage from St Mark's Road connecting to the northern part of Mason's Hill
- The proposals will not only increase natural surveillance at all hours of the day through the provision of active frontages as well as residential and commercial uses, but will also encourage the flow of pedestrian activity through this space
- The apartments within the building will all comply with the Lifetime Homes criteria which allows for flexible living for all
- The office space is designed to allow maximum flexibility to respond to the commercial demands of 21st century office use

The application is supported by the following documents and reports: Economic Viability Appraisal (revised 19th August 2014); Air Quality Assessment; Daylight, Sunlight and Overshadowing Report; Energy Statement; Flood Risk Assessment; Noise Assessment; Sustainability Statement; Draft Construction Logistics Plan; framework Travel Plan; Transport Assessment; and a Unit Schedule.

### **Location**

The site is located within St Mark's Road, to the northern edge of Masons Hill, at the southern edge of Bromley Town Centre and in close proximity to Bromley South Railway Station to the north-west with the line being to the north of the site. At present, the site is occupied by a 2 storey brick-built building, the HG Wells Centre, currently in use by the local Labour political party as a social club, with associated off-street car parking.

The south of the site is bounded by a terrace of five properties featuring small retail units at ground floor level with residential above. The Metropolitan Police Station is located to the west with the access road to this building forming the western boundary of the site. Waitrose supermarket is located to the east with the service entrance being set to the eastern edge of St Mark's Road and the supermarket car park is adjacent to the northern boundary at a higher ground level, with Bromley South mainline train station beyond. On the opposite side of Masons Hill lies the listed former St Marks Primary School with residential properties beyond.

The site is within Flood Zone 2 with a number of culverts running under the site whilst Masons Hill is a local distributor road.

### **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and 20 representations were received. 16 were in objection which can be summarised as follows:



- the existing building represents the only pre-war building in Bromley with any architectural or cultural or historical significance and should be protected as a future community use
- impacts on traffic
- lack of parking
- further traffic and parking issues when South Central is taken into account
- pressure upon school places
- loss of privacy to residents at Prospect Place
- the building will lead to overshadowing at Prospect Place
- there is no provision for parking with greater pressure on the nearby area
- out of proportion with the surrounding buildings
- with the proposed development of the Crown building opposite this is unnecessary
- in making way for the new in Bromley we should protect the old
- 17 storeys will be an eyesore
- will provide a building with no architectural significance
- potential for accidents
- there are already enough office buildings in Bromley
- too high for the surrounding area and blocking the skyline in all directions
- the whole of St Marks Road, 33-41 Masons Hill, the Police access road and Waitrose car park should be treated as a single unit
- the integrity of the culverts and structures and access to them must be a major consideration
- the site is not defined within the AAP as a possible location for a taller building
- even if the site is suitable for a tall building it does not conform with the 2007 government guidance on this
- the proposal would be obtrusive
- out of character with the neighbouring properties and twice the height causing overshadowing
- unnecessary and overly dense form of development
- insensitive development that will create additional congestion
- although 'stepped' down on one side it is aesthetically unpleasing and would be very dominating
- it would overlook houses on the Palace Estate

The Bromley Civic Society have objected on the grounds that the site is not designated for a tall building within the AAP; the proposal is an overdevelopment in terms of bulk and height and out of scale with the location; detrimental to the setting of the Grade II St Marks Church; overlooking to Masons Hill; the loss of the HG Wells Centre as a heritage asset.

Bromley Friends of the Earth have objected on the grounds that the development is out of scale with its surroundings; the bulk would dominate the area; overlooking to residential properties; loss of the unique architecture of the HG Wells building.

The Bromley Green Party have objected on the grounds of the building being too tall for the site; overlooking to the houses of the Palace Estate; height and size are

out of character; the HG Wells Centre should be retained as an asset to Bromley's heritage.

4 representations were in support which can be summarised as follows:

- needed to utilise the structural and transport advantages of town centre living and adds value to Bromley town centre
- location to transport hubs makes it sustainable development
- the Travel Plan deals with the potential car demand as the site is severely restricted access off Masons Hill
- there is no potential overlooking
- the scale is not out of character with the site being opportunity area with the Local Plan
- the density is appropriate along with a new community use which could be at ground floor level
- the HG Wells site is blighting the local Bromley South area
- provide much needed community centre and office space with high quality residential units
- zero parking will encourage use of public transport
- makes good use of an underused site within the town centre
- valuable additional office space creating employment
- provides much needed high quality residential accommodation to the area
- space made available for community use will be a very welcome addition to the area
- development would make a fine addition to our town centre

### **Comments from Consultees**

#### Highways

Further to revised drawings and information provided 19th August Highways have maintained their original comments as follows:

The proposal includes very limited car parking with 3 spaces for disabled use. There is no concern for the lack of parking for the D1/D2 or B1 uses given the town centre location. The two main concerns are the lack of parking for the residential use and the servicing arrangements.

Reference is made to a car club contribution although it is not clear how far forward agreement for a car club bay in this area is. The cycle parking appears cramped and more details will be needed. People also seem to have to go through 3 sets of doors with their bikes which may not be that convenient. The entrance to the residential units is from the adopted footpath alongside the access road to the police station. There is another pedestrian link being created which appears to go into Waitrose's car park which may need the landowner's agreement.

The proposal recently allowed on the nearby site in Simpsons Road has a car park including residential parking provision at 0.5 spaces per unit which is likely to be acceptable here. This site is within a high (6a) PTAL location. There is reliance in

the proposal that residents will not own cars based on the high PTAL and potential condition that future residents cannot apply for parking permits. Car ownership in the nearby area is about 1 per unit on average in spite of the high PTAL. Without a parking permit on-street parking is not easy, but with the 2 hour restriction on permit bays in the Outer Area being in the middle of the day and some free bays available there is the potential for this to happen. Any additional cars will put pressure on the on-street parking in the area, including St Marks Road itself.

Servicing for all the uses within the development will be from St Marks Road. The area in front of the disabled parking bays, which is part of the public footway, will be used for turning by heavy vehicles and the construction may need to be checked for suitability. It will also bring vehicles into conflict with pedestrians and is not particularly ideal. Dedicated service bays should be provided within the site. The number of estimated vehicle movements gives potential for vehicles queuing back in St Mark's Road and blocking accesses, if permission is granted an improved Construction Management Plan will be required.

The parking issue could be partially mitigated by not allowing residents to apply for parking permits, but there is the potential for them to own cars and add to the demand for on-street parking.

There is concern about the lack of dedicated servicing facilities which appear to be contrary to Policies T17 and BTC29. Given the cramped nature of the site and road layout it would require a substantial redesign to overcome, but would also remove any potential road safety issues with manoeuvring vehicles on the footway.

### Flood Risk and Drainage

Drainage have commented that there is an issue with the Ravensbourne East Branch Main River crossing part of the site, foul and surface water public sewers also crosses the site. The proposed use of lower levels for less vulnerable users and above for more vulnerable is acceptable. The proposal to reduce surface water run-off to greenfield rate is also acceptable. The use of green roofs is highly recommended. Objections are raised to this application because of the risk of building on the top of main river.

Thames Water advise that a drainage strategy would be required by condition should permission be granted whilst noting that public sewers run under or near the site and that access must be provided and approval sought from them, in relation to new buildings such approval would normally be refused. The applicant should contact Thames Water to discuss the options at the site.

The Environment Agency have withdrawn their objection to the scheme on the basis of issues relating to maintenance and emergency access to the culvert in response to the revised information received 19th August 2014.

### Further Responses

From a Crime Prevention perspective concern is raised to the pedestrian entrance being directly opposite the emergency vehicle exit of the police station, the kerb

line in front of this entrance should be designed to prevent drop off/pick up. A safe pedestrian route at the mini-roundabout and Waitrose car park should be implemented. Subject to these issues being overcome accreditation should be achievable.

Environmental Health have raised no objection.

### Mayor of London

The application was referable to the Mayor of London under category 1C of the schedule to the Town and Country Planning (Mayor of London) Order 2008, since comprising a new building of more than 30m in height outside of the City of London. The Greater London Authority provided its Stage 1 response on 27th November 2013, which concluded that whilst the application is broadly acceptable in strategic terms, on balance, the application does not fully comply with the London Plan. The following areas of concern were identified:

- no social or affordable rent tenures are proposed and the proportion falls significantly below the 35% required, however the applicant's financial viability appraisal identifies that the scheme would not be viable to provide more within the scheme
- the provision of a single family unit is disappointing
- although on-site provision of play space for children under five is not required in this instance, clarification is required of the provision on-site if no alternative is identified within 100m of the site
- the proposed building is significantly taller than the average height of the surrounding buildings and while the location is suited for a taller landmark building this should be of exceptional design quality and further work is required
- concern at the ground floor western edge is treated as the back of the building and this should be made an active frontage for possible future development of this area
- the residential quality is acceptable
- the appearance of the building needs work with a simplification of the massing so the building is more legible and elegant
- the choice of materials should be integral to its form but simple with attention to detailing
- a reduced palette of materials will create a simpler more attractive building
- brick should be considered for use throughout the building
- a clear distinction should be made between public and private realm with inclusive signage and way-finding strategy throughout the site
- there are no details of evacuation for disabled residents or details of inclusive access arrangements

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

- with 10% wheelchair accessible units, no dedicated parking for two wheelchair units and disabled visitors or staff would have to rely on existing town centre parking, none of which is convenient to the site; clarification of the management and provision of these spaces is required
- a detailed travel plan including deliveries and servicing should be secured
- a contribution should be made towards car club promotion
- a commitment to review and increase cycle parking for non-residential use
- secure a detailed construction/logistics plan

## Design

Prior to the submission of the application a CABE review was sought which made the following observations:

- further consideration of the relationship to the east and west
- sensitivity of the phase 2 building to the listed school and new public realm
- elements of the architectural composition, in particular the entrances and overhangs at ground floor level and the north elevation

The Council sought external design advice on the application. This found that:

- the proposal's massing and form do not achieve a balanced composition and appears disproportionately high in relation to its surroundings and site size
- the building suffers from an overly complex form and mixture of materials
- the layout of the perimeter to some extent improves public realm and connectivity, however within a wider context it makes the existing relationships more coarse and discordant
- a better long term option would be to amalgamate the site with the terrace to Masons Hill
- there is no assurance as to the detailing of panel systems, brick would be a better material
- by virtue of the compromises of trying to fit too much accommodation onto a site with difficult building relationships to the perimeter does not deliver a positive contribution by being of outstanding design
- the building would not create a distinctive identity for Bromley and the division to three facades does not contribute significantly to the quality of the site or as a precedent for future development

## **Planning Considerations**

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

- BE1 Design of New Development
- BE2 Mixed Use Developments
- BE4 The Public Realm
- BE17 High Buildings
- BE18 The Skyline

- C1 Community Facilities
- EMP2 Office Development
- H1 Housing Supply
- H2 Affordable Housing
- H7 Housing Density and Design
- H9 Side Space
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T11 New Accesses
- T16 Traffic Management and Sensitive Environments
- T17 Servicing of Premises
- T18 Road Safety
- IMP1 Planning Obligations

In addition to:

Affordable Housing Supplementary Planning Document (SPD)  
 Planning Obligations Supplementary Planning Document (SPD)

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

The application falls to be determined in accordance with the following policies of the Bromley Town Centre Area Action Plan (AAP)

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

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

- 2.6 Outer London: Vision and Strategy
- 2.7 Outer London Economy
- 2.8 Outer London: Transport
- 2.15 Town Centres
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young Peoples Play and Informal Recreation Facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy and development proposals
- 5.7 Renewable Energy
- 5.10 Urban greening
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage assets and archaeology
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

In addition to:

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

The following non-statutory guidance is also relevant:

CABE/English Heritage Guidance on Tall Buildings (2007)

The National Planning Policy Framework is also a material consideration, with which the above policies are considered to be in accordance. Sections 2 'Ensuring the vitality of town centres'; 6 'Delivering a wide choice of high quality homes' and 7 'Requiring good design' are of particular relevance.

### Financial Contributions

In accordance with the adopted Planning Obligations SPD, the Council would be seeking the following contributions based upon the mix proposed in the application:

- o £132,871.08 for local education infrastructure
- o £54,392 for local health infrastructure

This is based upon a provision of 2x1 bed and 4x2 bed intermediate housing of the 52 units provided, representing 11.5% affordable housing. The total contributions are £187,263.08.

It should be noted that this provision does not allow for socially rented units, if these were provided within the applicant's 11.5% offer (1x1 bed and 1x2 bed intermediate and 1x1 and 3x2 bed socially rented) then the contributions would total £192,999.07 as follows:

- o £140,635.07 for local education infrastructure
- o £52,364 for local health infrastructure

An example of a fully policy compliant scheme providing 35% affordable housing and a 70:30 split of socially rented and intermediate (1x1 bed and 4x2 bed intermediate; 3x1 bed and 10x2 bed socially rented) would result in total contributions of £205,836.62 consisting of:

- o £155,136.62 for local education infrastructure
- o £50,700 for local health infrastructure

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

### Viability

A financial viability assessment (FVA) was submitted confidentially with the application and revised 19th August 2014. An independent review of this information was commissioned by the Council, the findings of which were relayed to the applicant with no response to date. The review found that the development is of an inefficient design with a low net to gross ratio of 68% which results in less 'saleable' area being created. Based upon the consultant's evaluation of detailed pricing a significantly higher blended value is reached. The Council's consultants also disagreed with aspects of the methodology used in reaching the benchmark valuation, with different residential and build costs being applied based upon local market comparable and appropriate BCIS benchmarks. The analysis demonstrates



that the development is viable and produces a surplus which can be used to provide further s106 contributions and affordable housing without impacting upon the viability of the development, but that the proposed scheme would not be viable with full policy compliant affordable housing provision. However, the building design will restrict the efficiency of the building.

## **Planning History**

There is no relevant planning history for the site.

## **Conclusions**

### Analysis

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

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

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

Policy BE17 and London Plan Policy 7.7 are of relevance in regard to tall buildings. Policy BE17 states that proposals for buildings which significantly exceed the general height of buildings will be required to provide a design of outstanding architectural quality that will enhance the skyline and a complete and well-designed setting, including hard and soft landscaping, so that development will interact and contribute positively to its surroundings at street level.

London Plan Policy 7.7 states that taller buildings should only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building. Among other considerations, London Plan Policy 7.7 also states that taller buildings should relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level, and incorporate the highest standards of architecture and materials. Tall buildings should not detrimentally affect their surroundings with regard to microclimate, wind turbulence,

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

Members will note that in a continuation of these policies, Policy BE1, which relates to the design of new development and London Plan Policies 7.6 'Architecture' and 3.5 'Quality and design of housing developments' are also of relevance. A consistent theme of these policies is that new development should respond to its physical context, respecting and complementing the form, proportion, layout and scale of adjacent development.

The proposal will, at its highest, be 17 storeys in height and will be significantly taller than the surrounding development to Masons Hill and will be highly prominent in regard to the relatively open area forming the Waitrose car park, access road and the railway line to the north. The tallest building within the immediate area is that of the Bank of America building on Elmfield Road at 10 storeys and Unicorn House which are elevated above the application site and are readily visible within much of the wider townscape together with Unicorn House, 28 Elmfield Road. The topography of the Bromley South and the built form at present facilitate a transition between the land south of and including the railway station at the eastern edge of the high street and the business area to the north at Elmfield Road.

The proposed building is set within an extremely small footprint currently occupied by a single storey community hall with a part two/three storey terrace to the south, a five storey supermarket to the east and a seven storey police station to the west separated by an access road. As a result the development will be bound on two sides by relatively low level development and to the west by an already substantial development within the context of the town centre. Further to the east is the elevated highway of Kentish Way and to the west is the seven storey 'Churchill Court'.

The impact of the development is exacerbated by the site's location at the entrance to the south of the town centre from Masons Hill, with the Waitrose supermarket currently forming the initial development at the junction with Kentish way to the north. As such any tall building on this site would represent a landmark development for the town centre and would be required to not only fulfil the objectives laid out in the policies above with regard to height and design, but also to be of an outstanding design to reflect the buildings position at this southern gateway.

The development will relate poorly to its neighbours on Masons Hill, being of significantly greater scale, appearing discordant with this part of the Bromley town skyline. Set against the adjacent two/three storey buildings that form the terrace at Nos.33-41 Masons Hill and the Waitrose supermarket, the development would appear jarring and out of character. Only the western seven storey element of the development would be comparable in height to the adjoining police station with the 11 and 17 storey sections being substantially higher.

Consideration is also given to the surrounding development in relation to the topography of the immediate area. Due to the downward slope of Masons Hill westward and the elevated nature of Kentish Way northward, the Police Station,

the application site and Waitrose form a roughly triangular area of land with the existing development appearing as a relatively flat form into the train station; the increase in ground levels height northward leads the building at Unicorn House to commence taller buildings overlooking the railway line. The proposal would therefore project from the centre of this existing development to Masons Hill with the 11 and 17 storey elements being substantially higher than the surroundings and appearing as a singular form of overbearing and dominant development detached from the surrounding built form.

The creation of access to the car park to the north adds permeability and connectivity and whilst this is a relative benefit, it is questionable as to the overall benefit given that access is effectively being created to the supermarket alone and the existing pedestrian access between the site and the police station. The main purpose of this element would appear to be the creation of an active frontage to the northern ground floor elevation which is a positive consideration, however there is limited space for landscaping due to the proximity to the perimeter of the site and the resulting relationship to what is and would remain a supermarket car park with a poor pedestrian environment and an emergency access for the police station. As this elevation provides a secondary residential access that is likely to be used by commuters from the station, and residents utilising the supermarket, a sizeable degree of pedestrian use is likely to be forthcoming at this point and little consideration would appear to be given over to the relationship with the public realm at this interface which would be unsatisfactory due to the importance of this façade within the development and its relationship to its environment at ground floor level as well as pedestrian and road safety, contrary to Policy BE1.

To the front of the site onto Masons Hill features the main public realm which is open if sparsely planted, with three disabled parking spaces to the western boundary. However, to the east there is and would remain the supermarket service entrance which would feature a regular use by large lorries and vehicles within a functionally utilitarian space outside of the applicant's control and as such in direct contrast to the proposed development.

The development would have a density of 650 dwellings per hectare, which is considered to represent an overdevelopment of a site of 0.08ha when considered against the density matrix of Table 3.2 and Policy 3.4 of the London Plan. The density proposed is representative of the height of the building, the number of units on site with such a footprint requiring a height that is disproportionate and out of character with the surrounding pattern of development. A reduction in the number of units together with a more efficient use of both the site and the floorspace proposed would result in both a lower building and a more manageable density.

With particular regard to the design of the building, both Policy BE17 and London Plan Policy 7.7 require taller development to be of the highest architectural quality. In the GLA's Stage 1 response, it was advised that the architectural design of the scheme needs further work to ensure that the building is inspiring and elegant, and reflects its prominence on the Bromley skyline. The response further advised the applicant to keep the massing simple and slender and focus on the quality of the detailing, and the designers encouraged to increase the use of brick over aluminium cladding.

As contained within the independent design advice received by the Council, it is considered that in its current form, the proposal is not of the highest architectural quality and would not reflect the prominent siting of the building on the edge of the town centre. The overall form of the building is overly complex and suffers from the mixture of materials. The use of brick is welcomed, however the panel system proposed can be poorly detailed and there is a lack of assurance as to who or how this high quality will be achieved. As a result of the compromises of trying to fit too much accommodation within the site that has difficult relationships to the perimeter the development does not deliver on the requirements for exceptionally high standards of design.

In conclusion the proposal is contrary to Policies BE1 and BE17 of the Unitary Development Plan, Policy BTC19 of the Area Action Plan and London Plan Policy 7.7.

#### Impact on amenities of adjacent properties

The nearest residential properties would be the Reflex and Maxim Apartments to the south-east toward Cromwell Avenue, the dwellings to Pinewood Close to the south, and the properties at Prospect Place and Langdon Wood to the east. Whilst separated from the application site by Kentish Way, the development would appear as a large and overbearing development to the residents of Prospect Plan and parts of Langdon Wood with a subsequent impact upon the perception of overlooking and loss of privacy and loss of amenity that would result.

Consideration must be given to the residents of the upper floors of Nos. 35-41 Masons Hill who will have a direct view from the northern rear windows on to the development. Such an impact is considered to result in a detrimental loss of outlook with a harmful sense of enclosure and perception of a loss of privacy. Whilst the applicant has made comments within the supporting documents accompanying the application, notably the Design and Access Statement, with regards to a Phase 2 development encompassing this terrace to be replaced with further development as part of a holistic redevelopment, this is not part of the current proposal and it is noted that the entire terrace is not within the ownership of the applicant.

As such the impact of the proposal upon the amenity of nearby properties is considered contrary to Policy BE1 and London Plan Policy 7.7

#### Quality of residential accommodation

The proposed accommodation satisfies the London Plan minimum space standards and the balconies provided match or exceed that required with the majority of units being dual aspect. The room sizes satisfy the requirements of the Mayor's Housing SPG. The development accords with Lifetime Homes requirements and with 10% of the units being wheelchair accessible. The level of accommodation is therefore considered satisfactory.

#### Affordable Housing and S106 Contributions

The development proposes 11.5% of the residential units to be affordable, although not a mix of tenures that is policy compliant. A suitable mix is cited above. The review of the applicant's submitted viability appraisal agreed that the development could not achieve a policy compliant 35% affordable housing provision, however a higher 14% was viably achievable within the proposed development at the desired tenure mix together with additionally s106 contributions based upon the surplus identified. This report has been made available to the applicant and no response has been received to date with regard to disputing the findings, or altering the current offer upward.

The applicant's allowance of £285,000 for health and education contributions exceeds the £192,999.07 expected for an appropriate tenure mix, which the current scheme does not allow for, of the number of units proposed.

The independent assessor working on behalf of the Council has indicated that the current offer does not represent the maximum level of affordable housing that can be viably provided onsite. As such, the application does not comply with Policy H2.

### Transport and Parking

The proposal includes very limited car parking with 3 spaces for disabled use. There is no concern for the lack of parking for the D1/D2 or B1 uses given the town centre location. The two main concerns are the lack of parking for the residential use and the servicing arrangements.

There is a reliance in the proposal that residents will not own cars based on the high PTAL and potential condition that future residents cannot apply for parking permits. Car ownership in the nearby area is about 1 per unit on average in spite of the high PTAL. Without a parking permit on-street parking is not easy, but with the 2 hour restriction on permit bays in the Outer Area being in the middle of the day and some free bays available there is the potential for this to happen. Any additional cars will put pressure on the on-street parking in the area, including St Marks Road itself.

Servicing for all the uses within the development will be from St Marks Road. The area in front of the disabled parking bays, which is part of the public footway, will be used for turning by heavy vehicles and the construction may need to be checked for suitability. It will also bring vehicles into conflict with pedestrians and is not particularly ideal. The number of estimated vehicle movements gives potential for vehicles queuing back in St Mark's Road and blocking accesses and dedicated service bays should be provided within the site.

The parking issue could be partially mitigated by not allowing residents to apply for parking permits, but there is the potential for them to own cars and add to the demand for on-street parking.

The lack of dedicated servicing facilities is contrary to Policies T17 and BTC29. Given the cramped nature of the site and road layout this would require a substantial redesign to resolve, but should also remove any potential road safety issues with manoeuvring vehicles on the footway. As such it is considered that the

design of the scheme has failed to take this issue into account and the lack of servicing would have a detrimental impact upon road safety and free passage of the highway.

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

### Summary

The existing building on the site makes a neutral contribution to the area and there is no objection in principle to the redevelopment of the site with a slightly taller development incorporating an appropriate mix of uses

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

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

Whilst the applicant has been able to provide an offer of 6 affordable (intermediate) units on site, which falls short of the 35% on-site provision required by Policy H2 and would not provide any rented units with insufficient justification provided to demonstrate that this cannot be provided on site. A revised Financial Viability Assessment has been considered by the Council's appointed independent assessors, and initial comments received suggest that the scheme could support a higher offer of on-site provision and continue to be viable.

The lack of servicing for the proposed commercial space would result in a road safety and highway management impacts that would bring the development into direct conflict with pedestrians and there is a lack of opportunity due to the site coverage to provide service areas. Concerns are also raised with regard to the pedestrian access and relationship to the northern elevation onto the emergency police road and supermarket car park. A lack of on-site parking may well result in a knock on impact within the surrounding streets and there is a lack of detail regarding car club contributions.

Background papers referred to during production of this report comprise all correspondence on the file ref. 13/03345 set out in the Planning History section above, excluding exempt information.

as amended by documents received on 19.08.2014

## **RECOMMENDATION: PERMISSION BE REFUSED**

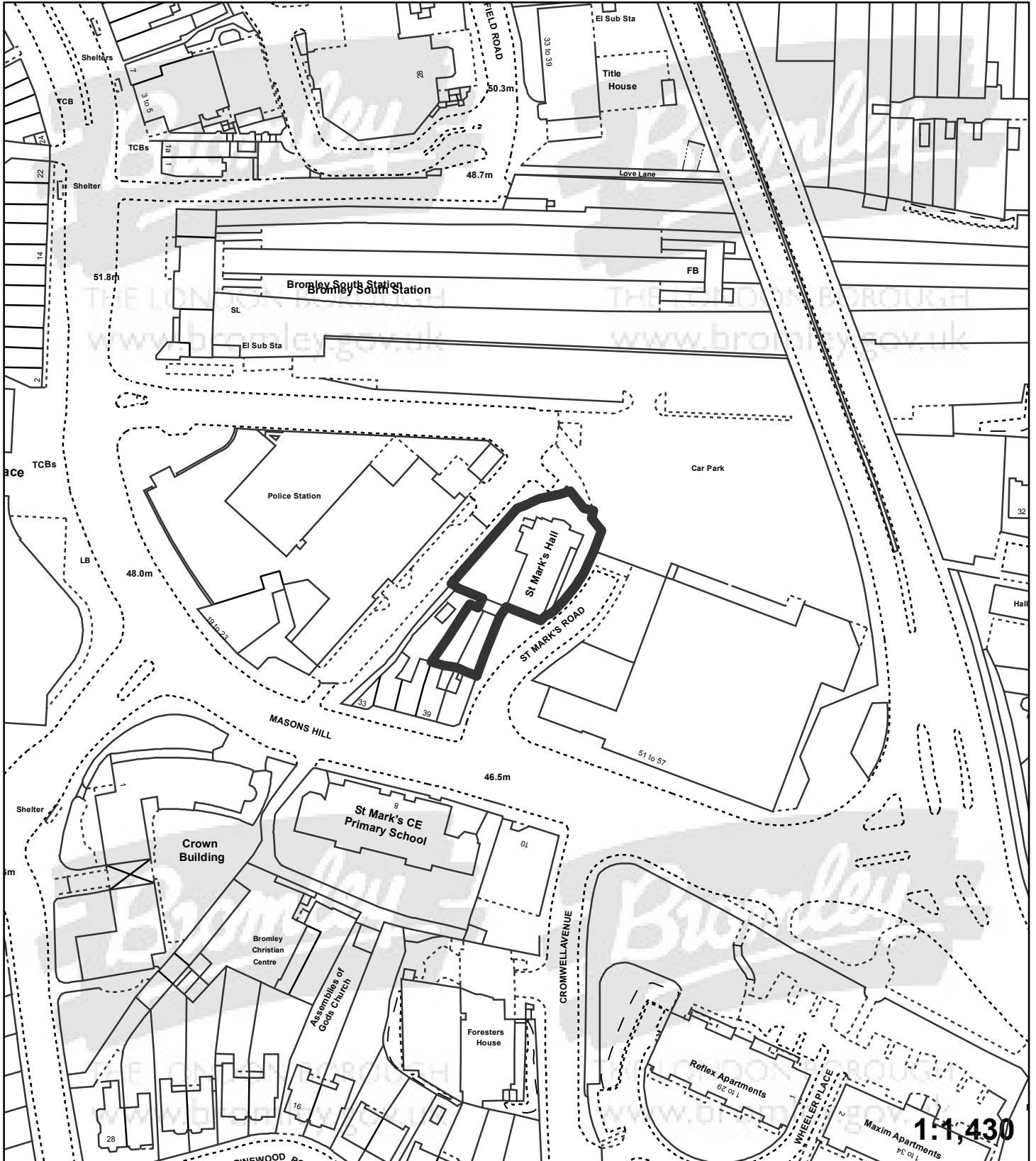
The reasons for refusal are:

- 1 The proposed development would, by reason of its height, scale, siting and design which would not be of the outstanding architectural quality required by the development plan, appear as an unduly prominent, incongruous and overbearing addition to the town centre skyline, out of character with the scale, form and proportion of adjacent development, giving rise to an unacceptable degree of harm to the character and appearance of the area, contrary to Policies BE1 and BE17 of the Unitary Development Plan, Policy BTC19 of the Bromley Town Centre Area Action Plan and London Plan Policy 7.7.
- 2 The proposed development would, by reason of the height, scale and footprint of the building constitute an overdevelopment of the site, with very limited space retained at street level to offset the significant mass of built development and provide a satisfactory setting for the development, and would give rise to a loss of amenity to neighbouring residents with particular regard to an unacceptable and detrimental perception of overlooking and loss of privacy, contrary to Policy BE1 of the Unitary Development Plan and London Plan Policy 7.7.
- 3 The proposed development would fail to meet the Council's requirements for the provision of on-site affordable housing, with insufficient justification provided to demonstrate that a lower level of on-site affordable housing or different tenure mix should be sought in this case, contrary to Policy H2 of the Unitary Development Plan.
- 4 The proposed development would lack servicing arrangements for the proposed commercial uses which would result in a detrimental impact upon road and pedestrian safety and highway management contrary to Policies T17 of the Unitary Development Plan and Policy BTC29 of the Bromley Town Centre Area Action Plan.

**Application:**13/03345/FULL1

**Address:** H G Wells Centre St Marks Road Bromley BR2 9HG

**Proposal:** Demolition of existing building and erection of a part 7, part 11, part 17 storey mixed use building comprising 256sqm community uses (use Class D1/D2), 1,467sqm office use (use Class B1) and 52 residential flats with associated landscaping and public realm works, new pedestrian



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



Report No.  
DRR14/109

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** DEVELOPMENT CONTROL COMMITTEE

**Date:** Tuesday 25 November 2014

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

**Title:** **ARTICLE 4 DIRECTION - PETTS WOOD AREA OF SPECIAL RESIDENTIAL CHARACTER AND THE CHENIES AND CHISLEHURST ROAD CONSERVATION AREAS**

**Contact Officer:** Tim Horsman, Deputy Development Control Manager  
Tel: 020 8461 7716    E-mail: Tim.Horsman@bromley.gov.uk

**Chief Officer:** Chief Planner

**Ward:** Petts Wood and Knoll;

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1. Reason for report

Members are asked to consider whether to agree an Article 4 Direction that would restrict permitted development rights to erect walls/fences or gates to the front of properties within the Petts Wood Area of Special Residential Character (ARSC) and the Chislehurst Road and Chenies Conservation Areas. Householders would then be required to submit a full planning application for such changes. This would allow the Council to consider all of such proposals on their own merits. This may be considered necessary in order to preserve the character and appearance of the designated areas mentioned, as the enclosure of residential curtilages could in some cases be detrimental to the open plan nature of these areas.

If an Article 4 Direction is served, the Council may be liable to pay compensation to applicants in certain circumstances – this needs to be balanced against the potential harm to the ASRC and Conservation Areas caused by a possible proliferation of proposals.

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2. **RECOMMENDATION**

**Members are invited to consider whether the Portfolio Holder should be requested to confirm a non-immediate (12 month) Article 4 Direction restricting permitted development rights to the erection or construction of gates, fences, walls or other means of enclosure in Petts Wood ASRC and The Chenies and Chislehurst Road Conservation Areas in respect of the following Parts of the Town and Country Planning (General Permitted Development) Order 1995 (as amended):**

**Part 2, Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.**

### Corporate Policy

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

### Financial

1. Cost of proposal: Cannot be quantified at this moment in time
  2. Ongoing costs: Recurring Cost
  3. Budget head/performance centre: Planning & Renewal
  4. Total current budget for this head: £2.689
  5. Source of funding: Existing Revenue Budget
- 

### Staff

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

### Legal

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

### Customer Impact

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

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: Report requested by Councillor Fawthrop

### 3. COMMENTARY

- 3.1 The Town and Country Planning (General Permitted Development) Order 1995 (as amended) [the GPDO] provides permitted development rights to carry out development without the need for planning permission in a variety of circumstances.
- 3.2 In the case of residential properties, the rights currently granted by Part 2 (Minor Operations) Class A1 (a-d) of the GPDO (as set out above) would allow gates, fences, walls or other means of enclosure potentially up to 2 metres in height (or up to 1 metre in height adjacent to a highway). Some permitted development allowed under this Class may be regarded to have an adverse impact on the character and appearance of the designated areas subject of this report.
- 3.3 Article 4 of the GDPO allows for the making of a direction that can withdraw specified permitted development rights. This does not completely prevent the development to which it applies but instead requires that planning permission is first obtained from the Local Planning Authority for that development.
- 3.4 Guidance issued by DCLG in November 2010 advises that local planning authorities should consider making Article 4 Directions only in those exceptional circumstances where evidence suggests that the exercise of permitted development rights would harm local amenity. In deciding whether an Article 4 would be appropriate, LPAs should ... *"identify clearly the potential harm that the direction is intended to address"* and may want to consider whether the exercise (by property owners) of permitted development rights would *"...undermine the visual amenity of the area or damage the historic environment"*.
- 3.5 In procedural terms there are two main types of article 4:
- non-immediate direction (permitted development rights are only withdrawn, normally after 12 months, upon confirmation of the direction by the local authority following local consultation); and
  - immediate directions (where permitted rights are withdrawn with immediate effect, but must be confirmed by the LPA following local consultation within 6 months, or else the direction will lapse).
- 3.6 Article 4 Directions cannot be applied retrospectively to development undertaken before a direction comes into force and any planning application required as a consequence of an Article 4 Direction is exempt from the usual planning application fee.
- 3.7 In this instance it is suggested that if Members wish to approve a Direction in this case they should consider a non-immediate Direction for which compensation is not payable to those affected. This would take effect after 12 months.
- 3.8 If Members do instead wish to consider an immediate Direction, there are circumstances where LPAs may be liable to pay compensation in relation to immediate Directions, although the potential liability is limited in many cases by the time limits that apply. Compensation may be payable to those whose permitted development rights have been withdrawn if the Local Planning Authority:
- refuse planning permission for development which would have been permitted development if it were not for an article 4 direction; or
  - grant planning permission subject to more limiting conditions than the GDPO would normally allow as a result of an article 4 direction being in place.

- 3.9 Compensation may be claimed for abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights. Under section 107 of the TCPA 1990 this could include '*...any expenditure incurred in the preparation of plans for the purposes of any work, or upon other similar matters preparatory to it...*' It could also include any loss of value although this can be difficult to calculate.
- 3.10 In Bromley Borough, Article 4 Directions have been in place in Conservation Areas such as Alexandra Cottages since 2004, Chancery Lane since 1984, and Barnmead Road since 1992. These cover a wide range of possible alterations to the fronts of residential properties, including the installation of roof lights (specifically in Alexandra Cottages). The intention of each direction has been to safeguard the character of the Conservation Area. Whilst the detail of regulations and procedure have changed over the years it should be noted that no compensation claims were made in respect of any of these article 4 directions – nor did they lead to a proliferation of requests for directions in other conservation areas. There has been some increase in workload arising from applications for proposals (such as window replacements) that did not previously require planning permission.
- 3.12 An Article 4 Direction could have the benefit of preventing insensitive use of permitted development rights to the frontage of properties that may in some instances harm the special character and appearance of the designated areas subject of this report. Members should be aware that due to the location of most front boundaries adjacent to a highway, the majority of boundary enclosures to the front of properties are already limited to a maximum of 1 metre in height by permitted development (any higher enclosure would require planning permission). These restrictions do already limit the impact of boundary enclosures in all locations and this should be considered alongside the benefits and costs of the proposal, in particular since any planning applications for work which would otherwise be permitted development would not attract a fee and will represent a cost to the Council to process.
- 3.13 It is recommended that it would not be necessary to restrict the maintenance, improvement or alteration of enclosures, as this would relate to structures already in place and could hinder, for example, improvements to a dilapidated fence. Members are therefore asked to consider whether to agree an Article 4 Direction to limit permitted development rights under Part 2 of the GPDO which relate to only the erection or construction of a gate, fence, wall or other means of enclosure.

#### **4. POLICY IMPLICATIONS**

- 4.1 Policy implications, Unitary Development Plan Policies H10, BE11 and Appendix 1. Council's Planning Information Sheet 2.11 ARSCs, Town and Country Planning (General Permitted Development) order 1995 (as amended).

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 As referred to above, the withdrawal of permitted rights for certain classes of development as a result of issuing an immediate Article 4 Direction may give rise to claims for compensation by landowners in certain circumstances.
- 5.2 By issuing a 12 month non-immediate Direction under Article 4, it is unlikely that any compensation claims will be payable.
- 5.3 Planning applications for works for development restricted by an Article 4 Direction which would otherwise be permitted development do not attract a fee. Any planning applications for works restricted by the proposed Article 4 Direction would represent a cost to the Council to process.

**6. LEGAL IMPLICATIONS**

6.1 If an immediate Article 4 Direction was imposed this could result in additional inputs relating to work associated with compensation claims.

**7. PERSONNEL IMPLICATIONS**

7.1 There is a possible increase in workload arising from Article 4 directions with no increase in fee income.

<b>Non-Applicable Sections:</b>	
Background Documents: (Access via Contact Officer)	Unitary Development Plan Policies H10, BE11 and Appendix 1.  Council's Planning Information Sheet 2.11 ARSCs, Town and Country Planning (General Permitted Development) Order 1995 (as amended).

**Relevant Extracts from the Town and Country Planning (General Permitted Development) Order 1995 (as amended)**

**Part 2 – Minor Operations**

**Class A - Permitted development**

**A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.**

**Development not permitted**

**A.1. Development is not permitted by Class A if—**

**(a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed one metre above ground level;**

**(a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—**

**(i) for a school, two metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than one metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;**

**(ii) in any other case, one metre above ground level;**

**(b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed two metres above ground level;**

**(c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in sub-paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or**

**(d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.**

Report No.  
CSD14159

## London Borough of Bromley

### PART ONE - PUBLIC

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**Decision Maker:** DEVELOPMENT CONTROL COMMITTEE

**Date:** Tuesday 25<sup>th</sup> November 2014

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

**Title:** LAND KNOWN AS BECKENHAM GREEN LOCATED BETWEEN HIGH STREET AND ST GEORGE'S ROAD FOR REGISTRATION AS A TOWN OR VILLAGE GREEN

**Contact Officer:** Greg Ullman, Lawyer  
020 8461 7625    E-mail: greg.ullman@bromley.gov.uk

**Chief Officer:** Director of Corporate Services

**Ward:** Copers Cope

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#### 1. Reason for report

The Council is the Registration Authority for town and village greens within its area. Section 15 of the Commons Act 2006 provides that land can become a new green if a significant number of the inhabitants of any locality or any neighbourhood within a locality have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years. They must continue to do so at the time of the application or meet the alternative qualifying period specified in section 15. The Council received an application dated 24<sup>th</sup> March 2014 to register land comprising the area of ground known as Beckenham Green bounded by High Street Beckenham and St Georges Road, Beckenham on the basis that it has become a Town Green. After completion of the statutory requirements, it is the duty of the Council as registration authority to decide whether or not the area should be registered as a new Town or Village Green, or whether to cause a public inquiry to be held for an Inspector to make a recommendation in this respect. The purpose of the report is to set out the legal position and the evidence for members to make that decision.

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#### 2. RECOMMENDATION(S)

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

### Corporate Policy

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

### Financial

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

### Staff

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

### Legal

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

### Customer Impact

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

### Ward Councillor Views

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



### 3. COMMENTARY

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

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

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

The application was made by Mr David Wood in terms of S15(2), which states:

##### *15 Registration of greens*

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

*(2) This subsection applies where—*

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

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

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

a) “A significant number...”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr David Wood has made the application. An Ordnance Survey map was submitted showing the area in question. Although the area is identified on the Ordnance Survey as Beckenham Green the land is not shown in as Register of Town and Village Greens as a designated green

A supporting statement and statutory declaration were submitted by the applicant, together with an extract of the Minutes of the Council's Recreation Committee dated 8<sup>th</sup> September 1970.

The application fulfilled the basic requirements and was accepted by the Council as Registration Authority. The Registration Authority therefore proceeded with publicising the application and requesting comment from the public.

During the consultation period **one letter of inquiry** was received. This asked what the application to register the land as a Town or Village Green means as isn't it already a green for public use so what difference will this registration mean.

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

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

They responded within the consultation period as follows:-

“I note that Mr Wood has not included any supporting evidence at all; there is nothing indicating the nature of the recreational activities undertaken by the local population, nor the number of people using the land or the frequency of use. The only thing he mentions is that he planted a tree there in 1973.

Whatever the merits of the application however, the applicant makes the point himself that the land has been appropriated to recreation use and that it is designated as POS. It is in fact a public park. On that basis the use by the public is by right and not as of right and consequently, in accordance with the recent North Yorkshire CC case, the application should be rejected as it does not meet the TVG registration requirements.”

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

A copy of the above mentioned documentation, was sent to the applicant The applicant was invited to make any further submissions and responded with the following points:-

“In my original application and answering the comment made by Susan Fraser, Solicitor (employed by Bromley?) I had mistakenly assumed both parties were clearly aware how the public benefits by using Beckenham Green. These include simply enjoying the open green space for a quiet sit down, communing with the natural world during a walk, to visiting the regular markets, fairs and occasional concerts held on the Green for the enjoyment of all residents and friends.

I have never regarded it as a ‘Park’ in the same manner as Kelsey Park or Croydon Road Recreation Ground for instance and it is not named as such. Having seen the area recover from World War 2 bombing via a temporary car park and subsequently an open green space for the benefit of the townscape and residents of and visitors to Beckenham I am loath to see it lost to any possible development project or revert back to a car park.

It was mentioned by the appointed architect, Julian East, overseeing the Beckenham town centre improvements, at the June meeting of the Council's Working Party, that he was minded to introduce more paving and hard surfaces on the Green. I immediately interjected that we did not wish to see a ‘Town Grey’ rather than the current pleasant green landscape in that location. As a ‘Town Grey’ it could still be a park but registration as a Town Green would prevent such spoiling of our valuable asset.

With Bromley on both sides of the argument it is no doubt difficult to see the change of status. However one thing does strike me.

If changed to a Town Green who would maintain it; would it be LBB or would I have to get the mower out. There are already Beckenham Green Friends who do some planting and maintenance and enjoy the open space.

‘By right’ and ‘as of right’ quoted by Ms Fraser and the reference to the North Yorkshire CC case is interesting but is hardly relevant in this case as it is not land left over from a housing development. As a ‘park’ Beckenham Green can be used by right of LBB apparently but as a Town Green it is open to all so far as I can understand it.

I am sure all residents are pleased to be able to access the land by courtesy of LBB but to protect it in perpetuity for the people it should be registered under Section 15 of the Commons Act 2006 in line with my application.

I hope an approval recommendation will be put to the DCC in due course.”

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

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

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

a) “A significant number...”

The application is not supported by evidence of numbers of users. There have been no supporting statements other than as detailed in this report, and no one came forward as a result of the publication of the application other than the letter of inquiry referred to.

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

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

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

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

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

d) “... have indulged as of right...”

In relation to this aspect of the definition, attention must be paid to the letter of objection by the Council in their capacity as landowner and to the terms of the resolution of the Recreation Committee dated 8<sup>th</sup> September 1970. The Minute states:

“The Council at their meeting on 27<sup>th</sup> July, 1970 adopted the Development Committee’s recommendation (Minute 215) that the island between High Street, Albemarle Road and St. Georges Road, adjoining the church, be retained as an open space. For many years the site had been maintained as a closed grass area but numerous complaints had been received about its appearance. The land which comprised some 1.95 acres was surrounded by shops and offices and the Director of Parks felt that it would satisfy a demand if developed for passive recreation and so improve the appearance of the area.

RECOMMENDED that the island site between High Street, Albemarle Road and St Georges Road be appropriated to the Recreation Committee for use as public open space”

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

public is entitled to use the land for lawful sports and pastimes in accordance with any bylaws regulating its use.

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

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

e) “...in lawful pastimes...”

The applicant has not given any indication of the activities which it is claimed would constitute “lawful pastimes”. There would therefore appear to be no actual evidence to support this aspect of the definition.

f) “...on the land...”

The land is open land.

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

Reference should be made to points a – e above.

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

### **3(6) Conclusions**

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

The recent Supreme Court decision indicates that land which is held by a local authority for a purpose which allows the public to have access to it, is likely to be used “by right” as opposed to “as of right”.

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

For the sake of completeness, it would appear that, even if this were not the case, the application would fall generally in relation to the other strands of the test as there is a lack of actual supporting evidence as to the nature and extent of the claimed use of the land. The evidence as to actual user is limited and one is left to draw inferences from the appropriation of the land as public open space as to what the actual use has been over the qualifying

period. There is no evidence of “unusual additional facts” that could justify an alternative conclusion.

### **3(7) Options**

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

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

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

## **4. FINANCIAL IMPLICATIONS**

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

## **5. LEGAL IMPLICATIONS**

Addressed in the body of the report

## **6. PERSONNEL IMPLICATIONS**

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

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

Report No.  
DRR14/097

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** DEVELOPMENT CONTROL COMMITTEE

**Date:** Tuesday 25 November 2014

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

**Title:** DELEGATED ENFORCEMENT ACTION (JULY TO SEPTEMBER 2014)

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

**Chief Officer:** Chief Planner

**Ward:** (All Wards);

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1. Reason for report

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

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2. **RECOMMENDATION(S)**

Members to note the report.

### 3. COMMENTARY

Enforcement action and prosecutions have been authorised by the Chief Planner under Delegated Authority during the period 1 July to 30 September 2014 in respect of development undertaken without the benefit of planning permission at the following sites:

ENF Ref	Complaint	Site	Ward	Recommendation	Decision Date
13/00396	sale of cars on pub forecourt	<b>The Black Horse, 123 Main Road, Biggin Hill</b>	Biggin Hill	<b>Enforcement</b>	22.7.14
14/00036	untidy site	<b>152 Blandford Road, Beckenham</b>	Clock House	<b>S215 Untidy Site</b>	28.7.14
13/00260	breach of condition 3 and 4 use of land	<b>190 Sevenoaks Way, Orpington</b>	Cray Valley West	<b>Breach of Condition Notice</b>	28.7.14
13/00618	overheight gates metal fencing	<b>1 Croydon Road, West Wickham</b>	Hayes and Coney Hall	<b>Enforcement</b>	28.7.14
14/00014	unauthorised extension	<b>16 Bruce Grove, Orpington</b>	Orpington	<b>Enforcement</b>	6.8.14
14/00438	unauthorised extensions	<b>18 Oatfield Road, Petts Wood</b>	Petts Wood and Knoll	<b>Enforcement</b>	8.8.14
10/00210	unauthorised storage of building materials and equip	<b>Woldham Road, Bromley</b>	Bromley Town Centre	<b>Prosecution</b>	15.8.14
12/00591	untidy site	<b>Melody Road, Biggin Hill</b>	Biggin Hill	<b>Prosecution</b>	19.8.14
14/00478	change of use animal sanctuary to equestrian	<b>land adj 131 Cudham Lane North, Orpington</b>	Darwin	<b>Enforcement</b>	2.9.14
14/00431	use of outbuilding as separate dwelling	<b>24 Marlings Park Avenue, Chislehurst</b>	Petts Wood and Knoll	<b>Enforcement</b>	10.9.14
14/00308	single storey outbuilding used as gym etc	<b>124 Chislehurst Road, Orpington</b>	Cray Valley East	<b>Enforcement</b>	19.9.14
14/00161	untidy site	<b>101 Queensway, Petts Wood</b>	Petts Wood and Knoll	<b>S215 Untidy site</b>	19.8.14
14/00123	untidy site	<b>land adj The Chestnuts, Gwydor Road, Beckenham</b>	Clock House	<b>S215 Untidy site</b>	22.9.14
13/00357	Breach of condition 3	<b>land adj unit 24 Gardner Ind Est</b>	Penge and Cator	<b>Breach of Condition Notice</b>	24.9.14
14/00461	Breach of condition	<b>Lockesley Drive, Orpington</b>	Cray Valley West	<b>Prosecution</b>	25.9.14



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

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Report No.  
DRR14/108

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** DEVELOPMENT CONTROL COMMITTEE

**Date:** Tuesday 25 November 2014

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

**Title:** RESPONSE TO DCLG CONSULTATION : "PLANNING AND TRAVELLERS"

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

**Chief Officer:** Chief Planner

**Ward:** (All Wards);

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1. Reason for report

The Department for Communities and Local Government (DCLG) published a consultation in September 2014 on changes to the Planning Policy for Traveller Sites (PPTS) issued in March 2012 alongside the National Planning Policy Framework (NPPF). This report sets out issues that are raised by the proposed amendments and recommended responses to the DCLG consultation are included in Appendix 1.

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2. **RECOMMENDATION(S)**

That Members endorse the proposed responses set out in Appendix 1 as the Council's response to DCLG.

### Corporate Policy

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

### Financial

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

### Staff

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

### Legal

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

### Customer Impact

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

### Ward Councillor Views

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

### 3. COMMENTARY

3.1 The Consultation advises that the Government remains committed to increasing the level of authorised traveller site provision in appropriate locations to address historic undersupply as well as to meet current and future needs but is concerned that it is not providing sufficient protection for sensitive areas and the Green Belt. The consultation also seeks views on the approach to be taken where travellers have ceased to travel and on the unauthorised occupation of land. Additionally further draft guidance is provided in respect of assessing traveller accommodation needs.

#### **Bromley**

3.2 The Bromley “Gypsies & Travellers and Travelling Showpeople Accommodation Evidence Base” was produced in-house in 2013. It was published to support the “Local Plan :“Options and Preferred Strategy” consultation in March 2013 and updated Feb 2014 to support the “Local Plan :Draft Policies and Designations”. The proposed approach to assessing travellers needs set out in the DCLG consultation endorses the approach taken by Bromley.

3.3 In response to national guidance and the local evidence base the Council has set out its approach in the two public consultations – “Options and Preferred Strategy” March 2013 and “Draft Policies and Designations” Feb 2014.. The Council’s emerging Local Plan seeks to address need through the allocation, as “Traveller Sites” (in line with the Government’s Planning Policy for Traveller Sites [PPTS]) of existing sites within the Borough, including a number of private sites which have been occupied, with the benefit of a series of temporary permissions, for a decade or more.

3.4 Whilst some elements of the DCLG consultation are welcomed there are concerns that the alteration may result in a range of unintended consequences, weakening the Councils ability to address need as it has proposed, and having resources implications for the Council.

3.5 The suggested responses are set out in Appendix 1 and Members are asked to endorse these for submission to DCLG.

<b>Non-Applicable Sections:</b>	<b>Policy, Financial, Legal and Personnel implications</b>
Background Documents: (Access via Contact Officer)	“Planning Policy for Traveller Sites”  “ Bromley - Gypsies & Travellers and Travelling Showpeople Accommodation Evidence Base”

## 2. Ensuring fairness in the planning system

**Q1 – Do you agree that the planning definition of travellers should be amended to remove the words or permanently to limit it to those who have a nomadic habit of life? If not, why not?**

**Comment** No

Given the limitations of the change, set out in the consultation, its useful application in Bromley will be negligible, whilst adding additional resource burdens.

The consultation documentation advises that

- *“Where cases involve families in which some members do not travel, it may continue to be appropriate to grant permission for traveller sites on the grounds that it is proportionate to do so, and would be an interference with the family’s Human Rights to limit the permission to particular family members only.”* To break up the accommodation of family groups on grounds of definition may increase the demand for separate accommodation and care. The advice on this point is welcomed.
- the proposed change in guidance does not affect those who have ceased to travel temporarily, however, there is no clarity about the definition of “temporary cessation”. The Planning Officers Society have highlighted that this distinction will be very difficult to apply in practice. Determining that a traveller family has permanently ceased to travel would be resource intensive and likely to be challenged. The Council would have concerns about such an additional burden on resources.

**Q2 – Are there any additional measures which would support those travellers who maintain a nomadic habit of life to have their needs met? If so, what are they?**

**Comment**

The Government wishes to support those who travel and is seek views on further measures to facilitate their nomadic habit of life. For example, through the use of conditions which ensure that transit sites are available at certain times of the year for travellers to occupy on a temporary basis. Although it acknowledges that this would be a matter for the local authority.

In London individual travelling families will pass through several boroughs. Whilst Bromley’s emerging Local Plan seeks to meet the needs of travellers for residential pitches, it proposes a sub-regional approach to the provision of transit pitches. Draft Policy 5.12 Traveller’s Accommodation” (Local Plan : Draft Policies and Designations document Feb 2014) advises *“With regard to the need for transit pitches the Council will work with the sub-region to secure their provision in an appropriate location within the sub-region”*

During the development of the London Plan 2011, it was recognised that relatively few plots for travelling show people and transit sites were likely to be required and therefore a sub regional approach to the provision of both was advanced by the GLA. Bromley has a significant travelling showpersons site and hence suggested that the provision of both these sub regional requirements should not rest with one borough.

The consultation asks about the potential effects on the traveller community but neglects to ask about the impact on the settled community. The provision of appropriate transit sites would benefit both communities by reducing unauthorised encampments which are unsatisfactory for both the travelling and settled community and result in costs to the Council.

**Q3 – Do you consider that a) we should amend the 2006 regulations to bring the definition of “gypsies and travellers” into line with the proposed definition of “travellers” for planning purposes, and b) we should also amend primary legislation to ensure that those who have given up travelling permanently have their needs assessed? If not, why not?**

**Comment**

The question relates to the Housing(Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (England) Regulations 2006

See response to Qu1 which outlines the resource and possible legal implications for negligible benefit. However, if the amendment to the planning definition is made it is assumed that the needs of those who fall outside that definition be assessed in the same way as the settled community, through the Housing Needs Assessment.

### 3. Protecting sensitive areas and the Green Belt

**Q4 – Do you agree that Planning Policy for Traveller Sites be amended to reflect the provisions in the National Planning Policy Framework that provide protection to these sensitive sites? If not, why not?**

**Comment No**

Bromley has proposed, through two periods of public consultation, to address the traveller need through the designation of existing Traveller Sites within the Green Belt, in line with para 15 of the PPTS as currently set out, changes to para 15 would affect Bromley’s plans to address the existing need within the Borough as it sees fit, in line with existing policy. It is not clear from the initial draft list of bullets how the final guidance will look.

Bromley’s approach has been taken to assist the Council in addressing the existing need from established sites and to enable it to robustly defend the Green Belt against further traveller development. The emerging Local Plan policy has been the subject of public consultation with no local objection and makes it clear that new traveller sites, beyond those proposed to be allocated through the Local Plan to address existing need, will not be acceptable within areas of constraint, including Green Belt.

The Council is concerned that the deletion of para 15 of the PPTS will undermine its locally endorsed approach to addressing the needs of existing established travellers within the Borough who are established on their own private land.

Whilst the Council has put out a call for sites no new non-Green Belt sites have been suggested to meet traveller needs. The Council is currently undertaking a full assessment of the potential of all sites submitted to meet a range of needs but any new allocation on alternative non Green Belt sites elsewhere in the borough would involve the relocation of the traveller families disrupting primary education and would minimise the potential of those sites to meet the needs of the settled community.

**Q5 – Do you agree that paragraph 23 of Planning Policy for Traveller Sites should be amended to “local authorities should very strictly limit new traveller sites in the open countryside”? If not, why not?**

**Comment Yes**

Para 23 deals with planning applications. Open countryside in Bromley is designated Green Belt and therefore as indicated in response to Qu 4 following the allocation of the existing sites to meet the need of established families the emerging Local Plan policy resists new traveller sites in areas of constraint.

**Q6 – Do you agree that the absence of an up-to-date five year supply of deliverable sites should be removed from Planning Policy for Traveller Sites as a significant material consideration in the grant of temporary permission for traveller sites in the areas mentioned above? If not, why not?**

**Comment No**

The consultation is clear that it does not remove the need to demonstrate an up-to-date five year supply of deliverable sites per se. The consultation proposes that, whilst the absence of a 5 year supply would not be a significant material consideration in respect of Green Belt and other sensitive areas – the consultation advises that “*It would remain a material consideration, but its weight would be a matter for the decision taker*”.

Importantly for Bromley, whilst the absence of an up-to-date five year supply of deliverable sites will still be a “material consideration in respect of Green Belt” the consultation proposes that it remains a “**significant** material consideration” when considering temporary permissions in other locations. In consequence applications may be encouraged to come forward in non-Green Belt locations eg private UOS or employment land which may be less suitable in other respects, but where the absence of a 5 year supply remains a **significant** material consideration.

**Q7 – Do you agree with the policy proposal that, subject to the best interests of the child, unmet need and personal circumstances are unlikely to outweigh harm to the Green Belt and any other harm so as to establish very special circumstances? If not, why not?**

**Comment Yes**

#### 4. Addressing unauthorised occupation of land

**Q8 – Do you agree that intentional unauthorised occupation should be regarded by decision takers as a material consideration that weighs against the grant of permission? If not, why not?**

**Comment No**

Retrospective applications can be submitted by the settled community without sanction. A different approach may be challengeable.

**Q9 – Do you agree that unauthorised occupation causes harm to the planning system and community relations? If not, why not?**

**Comment Yes**

Particularly harmful are unauthorised encampments on public land, notably parks, which limit the availability of these facilities to the settled community. Bromley deals speedily and robustly with such encampments. Whilst these encampments cannot be addressed through the planning system the public look to planning to address the issue. Unauthorised occupation of private land can also cause concern amongst neighbouring residents, although the recent draft policies and designations Local Plan consultation, which proposed the designation of long established sites as Traveller Sites in the Green Belt drew no local objections.



**Q10 – Do you have evidence of the impact of harm caused by intentional unauthorised occupation? (And if so, could you submit them with your response.)**

The evidence base prepared to support Bromley's emerging Local Plan - "Gypsies and Travellers and Travelling Showpeople Accommodation Evidence Base" (2014) makes reference to the costs associated with unauthorised developments and encampments

[http://www.bromley.gov.uk/downloads/file/1599/gypsies\\_and\\_travellers\\_and\\_travelling\\_showpeople\\_2014](http://www.bromley.gov.uk/downloads/file/1599/gypsies_and_travellers_and_travelling_showpeople_2014)

Costs associated with Unauthorised Developments

The costs for hearings and inquiries range upwards from £4,000 – 5,000 to in excess of £10,000. Those costs significantly increase with evictions and considerable delays can occur if a legal challenge to the eviction is mounted. Evictions tend not to be a one off cost if there is no alternative provision

Costs associated with Unauthorised Encampments

There are a range of costs associated with the enforcement process, both financial (staffing and legal costs) and in terms of community cohesion. On average it takes one and half days of staff time to undertake all the appropriate checks, liaise with Legal and the police and carry out the required paper work. Whilst the encampments are in place and until necessary clean up works are undertaken the usability of the parks by local residents is adversely affected. There are social costs in terms of community cohesion / confrontation with the local settled community and the actual confrontation with Council officials.

Site protection measures could also be considered in locations which are particularly vulnerable to unauthorised camping, for instance by creating earth bunds, or embankments, around the site, or by introducing height restrictions to entrances. However in addition to the environmental costs of such physical barriers which are visually unattractive the financial costs of defensive barriers at potential locations would be significant. The costs of physical works to parks vary from under £3,000 to up to £20,000 or more where there are a number of entrances. Additionally there would be ongoing maintenance costs, as existing barriers have been subject to vandalism requiring repair.

**Q11 – Would amending Planning Policy for Traveller Sites in line with the proposal set out in paragraph 4.16 above help that small number of local authorities in these exceptional circumstances? If not, why not? What other measures can Government take to help local authorities in this situation?**

**Comment Yes**

The consultation proposes that in exceptional cases, where a local authority is burdened by a large-scale unauthorised site which has significantly increased their need, and their area is subject to strict and special planning constraints, then there is no assumption that the local authority is required to plan to meet their traveller site needs in full.

The consultation notes that large-scale unauthorised sites can distort the level of need in an area making it difficult for those local authorities to plan to meet their traveller needs, particularly where they are subject to strict or special planning constraints.

Bromley commented on the unequal distribution in respect of London and, whilst not ultimately reflected in the London Plan 2011, Bromley welcomed the proposals by the Examination in Public (EIP) panel to even out the pitch distribution across London and significantly reducing the need from

the figure set out in the London GTANA 2008 (Gypsy and Traveller Accommodation Needs Assessment)

Bromley welcomes the recognition that needs figures can be distorted. This recognition would support the position of Bromley Council which has produced its Local Plan evidence paper and determined a lower need figure than the London GTANA 2008.

**Q12 – Are there any other points that you wish to make in response to this consultation, in particular to inform the Government’s consideration of the potential impacts that the proposals in this paper may have on either the traveller community or the settled community?**

**Q13 – Do you have any comments on the draft planning guidance for travellers (see Annex A below)**

Annex A deals with assessing traveller needs and Temporary Stop Notices.

The proposed approach to assessing travellers needs endorses the approach taken by Bromley Council in the production of its in house assessment.

Point 5 Temporary Stop Notices states that

“It may be appropriate in some circumstances for the local planning authority to issue a Temporary Stop Notice where the breach of planning control has occurred on land owned by a third party, including the local authority or another public authority”

DCLG undertook consultation into the use of Temporary Stop Notices in December 2012 and concluded that regulations (Statutory Instrument 2005/206) should be revoked to give local authorities greater freedom to determine whether to use Temporary Stop Notices in respect of caravans that are used as main residences. However, DCLG note that whilst national prescription is removed it remains for local authorities to consider whether taking enforcement action is necessary and proportionate in the circumstances, having due regard to the requirements of the Human Rights Act 1998 and Equality Act 2010. Specifically it highlighted that Local Authorities will need to consider whether taking such action could simply lead to displacing the occupants to other unauthorised sites which could potentially be less suitable, and noted that the Judicial Review process would continue to provide a check, as any decision by a local council to issue a Temporary Stop Notice could be subject to legal challenge.

When considering the changes to the regulations DCLG indicated the intention was to publish guidance to assist local councils use Temporary Stop Notices effectively and with due consideration, in line with the government’s guidance review process in summer 2013. To enable the Council to make effective use of the change in regulations Point 5 should be expanded as indicated in the earlier DCLG consultation response

“to assist councils to exercise these new powers effectively and with due consideration as well as mitigating the risk of legal challenge to local authorities’ decisions to issue Temporary Stop Notices. Any such guidance should be light-touch; careful to avoid central prescription and support authorities to make decisions about whether to use Temporary Stop Notices which respond to their local context and best meet the needs of their communities. The aim of the guidance will be to assist councils in:

- taking account of human rights and equalities considerations;

- balancing these considerations against the impact of the unauthorised development on the local area;
- determining whether action is proportionate and appropriate;
- understanding the procedure for issuing a Temporary Stop Notice.”

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/185760/Changes\\_to\\_Temporary\\_Stop\\_Notices\\_-\\_Summary\\_of\\_responses\\_and\\_government\\_response.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/185760/Changes_to_Temporary_Stop_Notices_-_Summary_of_responses_and_government_response.pdf)

# Annex A - Draft planning guidance for travellers

## 1. Why assess traveller accommodation needs?

Travellers are members of our communities and have particular accommodation needs. Planning Policy for Traveller Sites requires that local authorities use a robust evidence base to establish accommodation needs to inform the preparation of Local Plans and make planning decisions. Robust evidence on traveller accommodation needs will be important in securing a sound Local Plan.

When undertaking a review of housing needs in their district under Section 8 of the Housing Act 1985, Section 225 of the Housing Act 2004 requires that local housing authorities carry out an assessment of the accommodation needs of Gypsies and Travellers (as defined in Statutory Instrument 2006/3190) residing in or resorting to their district.

## 2. How should local authorities assess current traveller accommodation needs?

Local authorities should take account of travellers specific accommodation needs which relates to:

- their nomadic lifestyle
- their preference for caravan-dwelling
- movement between housing and caravans
- their preference for mixed use caravan sites
- the absence of a market for sites owing to lack of site provision or local hostility

And, consider their type of accommodation need in relation to:

- private sites
- sites owned by a Registered Provider
- affordable housing occupied by travellers
- other housing occupied by travellers
- different types of site e.g. transit sites

Local authorities should assess needs for different types of travellers, whatever their race or origin, taking account of their different traveller lifestyles and cultures.

Local authorities should engage both the local traveller and settled communities and involve other local authorities to assess their traveller needs as part of the Duty to Cooperate. The area to be covered by the assessment will largely depend on travel and movement patterns.

## 3. How should local authorities assess future traveller accommodation needs?

Local authorities should establish:

- The change in the number of traveller households that have or are likely to have accommodation needs to be addressed over the Local Plan period
- Broad locations where there is a demand for additional pitches
- The level, quality and types of accommodation and facilities needed (eg sites; housing)
- The demographic profile of the traveller community obtained from working directly with them
- Caravan count data at the local level
- Whether there are different needs at different times of the year – travelling is usually concentrated during the summer

#### **4. What sources of information could local authorities use in assessing traveller accommodation needs?**

- Caravan count data maintained by the Department for Communities and Local Government – eg number of caravans and the types of site on which they are located
- Site management information – eg site waiting lists; pitch turnover; length of licenses; transfer applications
- Information on private authorised sites – number of caravans permitted on each site; type of planning permission; restrictions on occupancy
- Information from recent applications, whether successful or unsuccessful, or enforcement action
- Data from other service providers – eg health and education
- Information gathered by traveller groups or representative bodies eg the Showmen's Guild
- Data from surveys of traveller accommodation needs

#### **5. Can a Temporary Stop Notice be used on land not owned by travellers?**

Yes. It may be appropriate in some circumstances for the local planning authority to issue a Temporary Stop Notice where the breach of planning control has occurred on land owned by a third party, including the local authority or another public authority.

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