



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: 16 March 2015

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 24 MARCH 2015 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 10 FEBRUARY 2015 (Pages 1 - 8)**

4 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

In accordance with the Council's Constitution, questions to this Committee must be received in writing 4 working days before the date of the meeting. Therefore please ensure questions are received by the Democratic Services Team by 5pm on Wednesday 18 March 2015.

5 COUNCIL MOTION - PETTS WOOD AREA OF SPECIAL RESIDENTIAL CHARACTER (Pages 9 - 14)

6 PLANNING REPORTS

ITEM NO.	APPLICATION NUMBER AND ADDRESS OF DEVELOPMENT	PAGE NO.	WARD
6.1	(14/03316/FULL1) - Orpington Police Station, The Walnuts, Orpington BR6 0TW	15 - 54	Orpington

7 BECKENHAM TOWN CENTRE CONSERVATION AREA

(Report to follow)

8 SUPPLEMENTARY PLANNING DOCUMENT (SPD) ON PLANNING OBLIGATIONS: ADDENDUM ON CHANGES TO POOLING S106 CONTRIBUTIONS AND S106 THRESHOLD CHANGES (Pages 55 - 60)

9 LB BROMLEY LOCAL INTERMEDIATE HOUSING INCOME THRESHOLD REVIEW (Pages 61 - 68)

10 LOCAL DEVELOPMENT SCHEME 2015-16 (Pages 69 - 92)

.....

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 10 February 2015

Present:

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

33 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Kathy Bance MBE;
Councillor Angela Wilkins attended as substitute.

34 DECLARATIONS OF INTEREST

There were no declarations of interest.

35 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 25 NOVEMBER 2014

RESOLVED that the Minutes of the meeting held on 25 November 2014
be confirmed and signed as a correct record.

36 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

The following question was received from Mr Andrew Brenson in relation to
Item 5.1 - The Haven, Springfield Road, Sydenham SE26:-

*'Since six additional documents relating to this application were published on
the Bromley website on 27th and 28th January 2015, and the statutory 14 day
notice period required by "Paragraph 7(c) of article 13 of the Town and
Country Planning (Development Management Procedure) (England) Order"
requires that "the date by which any representations about the application
must be made... shall not be before the last day of the period of 14 days
beginning with the date on which the information is published", is it not the
case that the closing date falls after this meeting and therefore Councillors
cannot legally hear this application today?'*

The Chairman responded as follows:-

'The Planning Committee can legally hear this application today.

The timeframe given in Paragraph 7(c) of article 13 of the Town and Country Planning (Development Management Procedure) (England) Order relates to publicity for information regarding the initial application as set out in the other parts of Paragraph 7. There is no statutory requirement to consult in relation to amendments to a planning application, although Government advice in the National Planning Practice Guidance is that the Local Planning Authority should consider whether it might be appropriate to re-consult based on a number of criteria including the significance of the proposed changes.

The Council on 13th January consulted on a number of documents received by the Council on that day seeking comments by 27th January. Six additional documents were published on the Council's website between 26th and 28th January, however none of these documents met the criteria to require re-consultation as the changes either reflected amendments introduced by the 13th January documents or were of a minor nature. Therefore there is no restriction on how soon after their publication the Local Planning Authority can determine the application.'

Mr Brenson questioned the validity of the Chairman's response by referring to a revised landscape document submitted to the Council dated 20 January 2015 which he considered met the criteria for re-consultation. The Chairman informed Mr Brenson that this was not a view shared by the Council.

37 PLANNING REPORTS

37.1 The Haven Springfield Road, Sydenham, SE26 - DC/14/03991/FULL1

Members considered the following planning application report:-

Agenda Item No.	Ward	Description of Application
5.1 (page 11)	Crystal Palace	Demolition of existing buildings and redevelopment of The Haven and Rookstone House to provide 46 residential units comprising 27 x 4 bedroom houses, 7 x 1 bedroom flats, 6 x 2 Bedroom flats and 6 x 3 bedroom flats, together with 71 car parking spaces, cycle parking provision, refuse and recycling provision, a relocated vehicular access to Springfield Road and landscaping and associated works at The Haven, Springfield Road, Sydenham, London SE26 6HG.

Oral representations in objection to the application were received from Ms Hazel Anderson on behalf of local residents. Ms Anderson submitted the following points:-

It was inappropriate for Members to compare the current scheme against the previously refused application. The site area was 406 sq mtrs less than the figure indicated in the report.

Inadequate consultation had been carried out with residents being excluded from any site visit.

The proposed 3 and 4 storey blocks were higher than the surrounding properties and would result in overlooking, loss of privacy and overshadowing. One-third of the existing trees would be removed and the proposed new boundary trees would provide inadequate screening.

The development would attract a large number of people to the area and additional cars would cause parking and traffic safety issues.

Ms Anderson considered the application to be unacceptable and contrary to the London Plan and requested that Members refuse the application.

Oral representations in support of the application were received from Mr Simon Chadwick, Managing Director of Signet Planning and Mr Mark Chapman, Architect at Dunnett Craven. The following points were made:-

The report to Committee was comprehensive and dealt with all the relevant issues in terms of policy and related considerations. Members were aware they refused an earlier application on the site for 107 units the previous year and Kitewood has been working with officers to overcome the six reasons for refusal issued in relation to that scheme as outlined below:-

Reason 1 was about future tree loss and the Tree Officer has agreed this matter had been overcome.

Reason 2 alleged lack of information on ecology. The Ecological Consultant had agreed there was now sufficient information.

Reasons 3, 4 and 5 related to concerns about overdevelopment, design and layout and impact on amenity. The scheme had reduced in number to 46 units from 107 so was now at the lowest end of the indicative density range for housing on the site. There had been significant reduction in built form and officers' suggestions about design changes had been taken on board. All three reasons had therefore been overcome because of the reduction in built development and consequent design changes.

Reason 6 related to car parking and the maximum amount of car parking permitted by the Council's policy had now been provided.

It was therefore considered that all previous reasons for refusal that been overcome.

Mr Chadwick and Mr Chapman responded to Member questions as set out below:-

- If the current application was approved, the appeal against refusal of the previous application would be withdrawn.
- The provision of further car parking spaces could be considered.
- The gated feature was not fundamental to the scheme and could be removed.
- The Council's Tree Officer had considered the removal of the proposed trees to be acceptable and new planting would comply with technical guidance.
- The sewage pipeline would be 300 cm in diameter and would divert to a modern sewer in line with technical requirements.
- The proposed blocks of flats were in fact 2-storey buildings with a third designed into the roof space and would, therefore, be in keeping with surrounding properties. The revised scheme incorporated substantially less flats than the previous application.
- Play areas were subject to a landscaping condition and were in accordance with the size and nature of the surrounding area.
- In relation to 15 Lawrie Park Crescent there was no proposal to move the boundary.
- The applicant considered there was a demand for 4 bedroom accommodation.
- If the current scheme was approved, the applicant did not intend to submit a further application to increase the development in the future.
- For ease of manageability, housing associations preferred affordable units to be located in one specific area. Although grouped together, the proposed units would not be isolated from the rest of the development.
- Given the scheme's proximity to the Penge tunnel, a Construction Management Plan relating to the flow of traffic would be required.

The Planning Officer reported that further objections to the application had been received. It was also confirmed that Network Rail had no objections to the scheme.

Ward Member Councillor Wilkins noted that whilst residents were not opposed to development of the site, they were concerned that consultation had been carried out in a dark building by torchlight. The application had to be considered on its own merits, not in comparison with the previous application. The scheme would not provide a mixed and balanced community, especially with the separation of the affordable housing units. Residents' main concerns related to the height of the proposed buildings. A scale model of the scheme had been requested but was never received. The scale of the proposed buildings in Crystal Palace Park Road was vast and not in keeping with the surrounding area and the visual impact of the scheme would be staggering.

Although there had been a reduction in density, refusal reasons 4, 5 and 6 of the previous application still applied. Councillor Wilkins moved that the application be refused.

Councillor Buttinger seconded the motion for refusal. The construction of a 4 storey building was inappropriate and would have an impact on the adjacent Conservation Area. There would be a loss of amenity to residents and the removal of mature trees was undesirable.

The Chairman considered that the principle of development had been established and the scheme would contribute significantly towards Bromley's housing target. Density of the scheme had been reduced by 50% and the height of the proposed blocks reduced by 25%; this was now in keeping with similar apartment blocks in the surrounding area. The maximum amount of car parking spaces had been provided in accordance with the Mayor's London Plan. Although the removal of trees was less desirable, replacement trees would provide screening for residents living in close proximity to the site. The Chairman moved that the application be approved; this was seconded by Councillor Fawthrop.

Members were informed that the previous removal of trees at the site had not been in breach of Tree Preservation Orders as this action had taken place prior to the Orders coming into effect.

Should the application be approved, Members requested the addition of further conditions to cover boundary enclosures and works within the vicinity of the Network Rail tunnel. It was also suggested that a full Construction Logistics Plan together with confirmation that Network Rail agreed the design, should be added however, Members were informed that this was covered by existing condition 16 in the report.

The general consensus of Members was that the application was in keeping with the surrounding area, replacement trees would provide adequate screening and the impact on the surrounding area would not be excessive.

A vote to refuse the application fell at 3-13.

Following a further vote of 13-3, Members **RESOLVED that PERMISSION BE GRANTED SUBJECT TO THE COMPLETION OF A SATISFACTORY LEGAL AGREEMENT** as recommended and subject to the conditions and informatives set out in the report of the Chief Planner with the addition of further conditions as outlined above.

38 LAND REAR OF 86 - 94 HIGH STREET, BECKENHAM

Report DRR15/014

Members considered an application under S106A of the Town and Country Planning Act 1990 requesting modification of a S106 Legal Agreement relating to development of land to the rear of 86-94 High Street Beckenham.

The purpose of the modification was to enable amendments to the affordable housing obligation by way of increasing the income threshold cap for eligibility for the Intermediate Units from £35,000 to £45,000 and to change the location of the intermediate units by moving them from Blocks B and C to Block A.

Members agreed that increasing the income threshold cap would give a wider number of people the opportunity to enter into shared ownership of properties. The request to move the intermediate blocks raised no concerns.

RESOLVED that A DEED OF VARIATION TO THE S106 PLANNING OBLIGATION (UNILATERAL UNDERTAKING) SIGNED ON 13 JUNE 2012, BE APPROVED.

39 LOCAL LIST OF VALIDATION REQUIREMENTS FOR PLANNING APPLICATIONS

Report DRR15/015

In accordance with National Government Guidance, Members reviewed suggested amendments to the existing Local Information Requirements List to ensure it remained fit for purpose in the context of changes to National Legislation and development plan policies.

Referring to the requirements of site location plans (paragraph 3 at the top of page 60) and to the requirements of site plans or block plans (paragraph 3 at the bottom of page 60), one Member emphasised that this information should be required as a matter of course and submitted in the application pack.

Officers would consult with members of the public on the local information requirements document. In previous years, a 21-day consultation had been carried out which had been advertised in the local paper and on the Council's website.

Although applicants were required to submit details of trees protected by Tree Preservation Orders, this information was not always included. Officers carried out checks on the GIS system, looked at aerial plans and checked on site visits but inevitably, not all were identified.

Members were informed that a quoted percentage figure for an increase in hardstanding and built footprint could be requested and in some cases officers carried out their own calculations.

Referring to the Affordable Housing Statement (page 66), it was reported that an increase in the affordable housing requirement from 10 or more dwellings to 11 or more had come into effect in November 2014 as a result of a change in the National Planning Guidance.

It was agreed that a Landscape/Townscape and Views Impact Assessment (page 78) should be required when an application concerns Areas of Special Residential Character.

The section on Parking Provision for Cars and Bicycles (page 83) should stipulate that new developments must provide electrical power charging points.

Members suggested that the wording 'may be required' used throughout the document, be amended to read 'is required'.

Referring to the submission of scale drawings of proposed developments, it was suggested that a required scale of drawing be stipulated for individual applications. It was also suggested that details of the provision of wheelchair access and facilities, details of listed buildings and provision of car parking spaces be required.

All drawings should be vetted and validated before being submitted for consideration by Committee.

RESOLVED that subject to Members' suggested amendments and comments:-

- 1) Officers should consult on the local information requirements document and in the event that no significant representations lead to amendments, the document should be adopted.**
- 2) In the event that representations leading to amendments are received, an update should be reported to the DCC meeting in March 2015 subsequent to the document being formally adopted.**

40 UPDATE ON THE FURTHER ALTERATIONS TO THE LONDON PLAN AND IMPLICATIONS FOR THE BOROUGH

Report DRR15/010

Members considered an updating report on the Further Alterations to the London Plan and Implications for the Borough.

Members were informed that regardless of the Council's response to the London Mayor, the document cannot be altered at this stage.

With reference to Appendix 1 (page 101), it was noted that several Outer London boroughs were required to build less than Bromley. The increase in

Bromley's housing target to 641 was due to the historic rate of the number of small sites completed.

A copy of the Inspector's report on the outcome of the Examination In Public would be made available to Members.

With reluctance, Members RESOLVED that:-

- 1) the intention of the Mayor to adopt the Further Alterations to the London Plan (FALP) in March 2015 be noted;**
- 2) the recommendations of the Inspector and the issues for Bromley as set out in Section 3 be noted; and**
- 3) the requirement for the Council to be able to demonstrate conformity with the housing supply figure of 641 dwellings per annum be noted.**

41 DELEGATED ENFORCEMENT ACTION (OCTOBER TO DECEMBER 2014)

Report DRR15/016

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

RESOLVED that the report be noted.

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

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

43 EXEMPT MINUTES OF THE MEETING HELD ON 25 NOVEMBER 2014

RESOLVED that the exempt Minutes of the meeting held on 25 November 2014 be confirmed and signed as a correct record.

The meeting ended at 8.55 pm

Chairman

Report No.
DCS15039

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **Executive**

Development Control Committee

Date: **24 March 2015**

Decision Type: Non-Urgent Executive Non-Key

Title: **COUNCIL MOTION - PETTS WOOD AREA OF SPECIAL RESIDENTIAL CHARACTER**

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

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: Petts Wood and Knoll

1. Reason for report

1.1 At the Council meeting on 23rd February 2015 a motion was proposed by Councillor Simon Fawthrop and seconded by Councillor Douglas Auld on the Petts Wood Area of Special Residential Character (ASRC.) The motion was amended to refer the matter to the Executive for decision and passed by Council. This report is also passed for information to Development Control Committee. The full text of the motion is set out in section 3 of this report.

2. **RECOMMENDATIONS**

- (1) **Development Control Committee is requested to consider the motion and pass any comments to the Executive.**
- (2) **The Executive is requested to consider the recommendation from Council on 23rd February proposing an updated statement in the Unitary Development Plan (UDP) relating to the Petts Wood Area of Special Residential Character (ASRC) which will also form the basis of any descriptions in the Local Development Framework (LDF)**

Corporate Policy

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

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Not Applicable
 4. Total current budget for this head: £Not Applicable
 5. Source of funding: Not Applicable
-

Staff

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

Legal

1. Legal Requirement: None:
 2. Call-in: Applicable:
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

- 3.1 At the full Council meeting on 23rd February 2015 a motion was proposed by Councillor Simon Fawthrop and seconded by Councillor Douglas Auld on the Petts Wood Area of Special Residential Character. With a slight amendment to reflect that any decision would have to be taken by the Executive, rather than the Council, the motion was referred to the Executive. The full text of the motion, as amended and as agreed, was –

Petts Wood Area of Special Character (ASRC)

Moved by Cllr Simon Fawthrop and seconded by Cllr Douglas Auld -

This Council recommends to the Executive that the existing statement in the Unitary Development Plan (UDP) in relation to the Petts Wood Area of Special Character (ASRC) should be supplemented with the following updated statement which should also form the basis of any descriptions within the Local Development Framework (LDF) including any future reports to Development Control Committee. This supplement should take place with immediate effect, subject to any statutory or technical considerations, which should be expedited.

1.3 Petts Wood Supplement to the Descriptions in the UDP:

The original plans for Petts Wood date from the late 1920s and early 1930s. While Houses were built over a number of years, in a number of similar though varied styles, the road layout and plot sizes were established in an overall pattern. Today the layout remains largely intact. Within the overall area the Conservation Areas of the Chenies and Chislehurst Road already stand out.

The plots were originally designed on the garden suburb principle by developer Basil Scruby, with large plot sizes spaciouly placed. The characteristics of the Petts Wood ASRC include an open feel, predicated by low boundaries and visible front gardens, set back from the road; there is also spaciousness between the houses which is of a superior standard. This allows many of the trees and greenery which prevails throughout the area to be seen from the street scene giving the area its open and semi- rural feel in line with the garden suburb principle. This open and suburban aspect of the area underlines the special characteristic of the area. Development which erodes this special character will be resisted.

The separation between building and the rhythm and pattern of the houses adds to the special character. In many cases there is a much wider separation between houses than in other parts of the Borough which demands a higher degree of separation between buildings to maintain the special character, the openness and feel of the area. Where there are pairs of houses that complement the rhythm of the street scene there is also a prevailing symmetry between the houses. This symmetry can also be seen between neighbouring pairs. The plots are set out in such a way that the spacious character is one of a clear detached and semi-detached nature.

The front building and rear building lines are also of importance in defining the area. The buildings are of a 1930s design, for example some built by the distinguished designer Noel Rees, which adds to the character of the area. Whilst there have been some changes post war this design aspect of the area remains intact and future development should respect this characteristic. The front roof lines are also of a nature which enhances the characteristic of the area being largely untouched by roof extensions and conversions at the front.

The plot sizes and rear gardens are mostly of a size which is commensurate with the Garden Suburb principle and this characteristic also forms part of the amenity value which makes the area special.

When considering future development within the Petts Wood ASRC, the main focus will be on the impact of any proposed development on the ASRC, taking into account the design and spatial standards including the low density of existing development. Proposals which undermine the character, rhythm, symmetry and spatial standards of the area will be resisted. Likewise new dwellings proposed on gardens and infill will also be strongly resisted. In this context special is used in the dictionary sense to mean distinguished from others of the same category, because it is in some way superior or held in particular esteem.

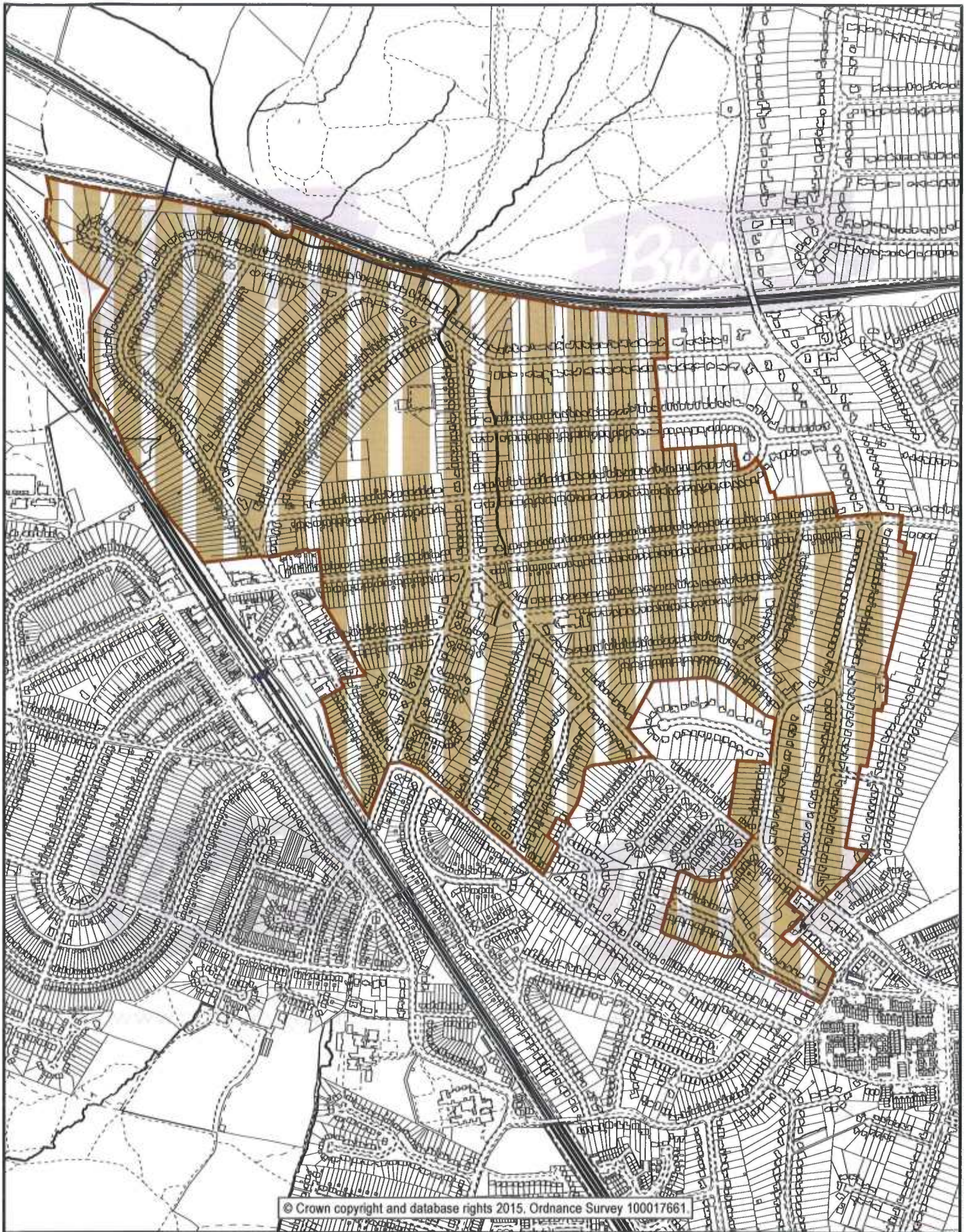
4. POLICY IMPLICATIONS

- 4.1 The status of Development Plan only applies to policies that have been subject to the full development plan preparation process, such as inclusion in a ‘consultation draft’ Local Plan and if necessary the Examination in Public, and thereafter formal adoption. The Petts Wood Supplement has, therefore, not reached that Development Plan status as this time.
- 4.2 If approved by the Executive, this Petts Wood Supplement can be included in the next available and appropriate consultation draft Local Plan. It is expected that the Executive will make a separate decision at a future meeting on the contents of the draft Local Plan as a whole. The weight to be given to the contents of a draft Local Plan will generally increase if there are no objections and the more advanced the draft becomes.
- 4.3 In the meantime, the supplement is capable of being a material planning consideration when considering planning applications.

5. LEGAL IMPLICATIONS

- 5.1 Whereas Council is empowered to make any final decisions on the adoption and amendment to the Local Plan this must be done following consideration by and the necessary recommendation from the Executive. The Executive is also the responsible body for much of the preparatory work and for agreeing policy which supports the Local plan .

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



TOWN PLANNING

AREA OF SPECIAL RESIDENTIAL CHARACTER

CONCERNING
 PETTS WOOD.
 ORPINGTON.



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

Scale 1:9,000



Page 13
 11/03/15

Plan No. 5526

This page is left intentionally blank

Application No : 14/03316/FULL1

Ward:
Orpington

Address : Orpington Police Station The Walnuts
Orpington BR6 0TW

OS Grid Ref: E: 546348 N: 166183

Applicant : Mr A Davies

Objections : YES

Description of Development:

Demolition of existing buildings and erection of part 4 rising to part 9 storey building for use as a health and wellbeing centre on the ground and first floors plus a retail (Class A1/A3) unit on the ground floor together with 34 x 1 bedroom flats and 49 x 2 bedroom flats (total 83 flats) on the upper floors with ramp to basement and 46 basement car parking spaces (including 4 disabled spaces) together with refuse and recycling facilities, cycle storage and landscaping proposals

Key designations:

Areas of Archaeological Significance
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Secondary Shopping Frontage

Proposal

Planning permission is sought for demolition of the existing building to enable a mixed use redevelopment of the site. The proposal comprises:

- Erection of a 5 - 9 storey flat roofed building with basement. The building would comprise double height ground floor and would be 5 storeys on the southern end (Homefield Rise), rising in one and two storey setbacks to a maximum height of 9 storeys in the centre before stepping down again to 5 storeys overlooking the central square.
- The footprint of the building would measure 76.5m x 24m (at the largest points), the maximum height would be 29m above ground floor level
- Provision of a medical facility (1,979 sqm) on the ground and first floors of the building. The medical facility has been described in the applicants plans as a 'wellbeing centre' and would include 2 GP practices, outpatient and therapy rooms, X-ray, physio and support services. Throughout this report for consistency this facility will be referred to as a medical facility
- Provision of a retail unit (167 sqm) on the ground floor
- Provision of 83 apartments (34 x one bed and 49 x two bed)
- 92 cycle parking spaces will be provided (83 for residents and 9 for the medical facility)

- 46 car parking spaces will be provided in the basement (20% of spaces will be provided with active electric vehicle charging points and 20% with passive provision, 4 space will be disabled bays)
- An ambulance drop-off bay and one disabled space will be accommodated adjacent to the site in Homefield Rise

The applicant has submitted the following technical reports to support the application:

Air Quality Assessment (Prepared by Entran Environmental and Transportation on behalf of the Applicant)

This site lies outside of the Air Quality Management Area. The reports identifies that the development would have the potential to cause air quality impacts during construction and operational phases. During construction this would be due to dust emissions and appropriate mitigation has been offered (construction logistics plan). Consequently the impact would not be significant. Modelling was undertaken to predict the operational effects of the development, exceedances of the air quality standard were not predicted, the impact is not considered to be significant and therefore no mitigation is considered to be necessary.

Archaeological Desk Based Assessment (Prepared by CgMs on behalf of the Applicant)

This statement confirms that the site has low to moderate archaeological potential and suggests that the development will not have any impact in this respect.

Design and Access Statement (Prepared by EPR Architects on behalf of the Applicant)

This statement sets out the applicant's assessment of the site and surrounding area and the rationale for the proposal having regard to relevant development plan policies. The statement confirms the amount of development proposed, parking strategy, refuse and sustainability strategy. The statement discusses the approach to access, landscaping and appearance of the development.

Revised Daylight and Sunlight Report (Prepared by Anstry Horne on behalf of the Applicant)

This report seeks to assess the impact of the development on adjacent properties. The report has been produced on the basis of a site visit, aerial photography and modelling of the proposed scheme. The report considers Vertical Sky Component (daylight) and Annual Probable Sunlight Hours (APSH). The assessment covers the residential properties at Nos. 12, 18-20, 22 and 26 Homefield Rise as well as Bromley College. The report sets out the following results:-

12 Homefield Rise - 15 of the 16 windows tests would satisfy BRE guidelines for VSC (daylight). The one window falling below BRE guidelines serves a ground floor room lit by 3 other windows. There is no effect on APSH due to the orientation of the building.

18 - 20 Homefield Rise - all 23 windows would satisfy BRE guidelines for VSC (daylight). There is no effect on APSH due to the orientation of the building.

22 Homefield Rise - all 7 windows would satisfy BRE guidelines for VSC (daylight). There is no effect on APSH due to the orientation of the building.

26 Homefield Rise - all 16 windows would satisfy BRE guidelines for VSC (daylight). There is no effect on APSH due to the orientation of the building.

In respect of Bromley College 60 of the 61 windows assessed would continue to meet BRE guidelines for VSC. The one remaining window that falls below guidelines serves a sports hall which is lit by multiple windows so the effect will be negligible. The impact on sunlight will meet BRE guidelines.

Shadow studies undertaken to show the impact of the proposal on the public square confirm that this amenity area will meet BRE guidelines by continuing to receive at least 50% direct sunlight on March 21st. this area will in fact see an improvement in the amount of sunlight.

Energy and Sustainability Assessment (Applicant Submission)

This application was accompanied an Energy Strategy and Sustainability Statement. The statement confirms:-

- All new dwellings will target Code for Sustainable Homes Level 4.
- The commercial elements will target BREEAM Excellent
- The development would achieve 38.11% Carbon Dioxide (CO₂) emissions savings (exceeding the London Plan requirements of 37% above Part L 2013 Building Regulations)
- A community heating scheme with mains gas and solar PVs will be utilised to deliver CO₂ reduction
- Energy and heat meters will be utilised in each dwelling to measure the amount of electricity generated by the PVs and CHP system.
- SAP calculations were undertaken to identify baseline energy demands.

Flood Risk Assessment and Proposed Drainage Strategy (Prepared by Blyth & Blyth on behalf of the Applicant)

This report confirms that the site is located within Flood Zone 1 (an area with low probability of flooding). The report discusses the potential risks of flooding at the site confirming that the risk of flooding is low as well as confirming the drainage strategy.

Geo-Environmental Site Assessment (Prepared by RSK on behalf of the Applicant)

This report comprises a walkover survey, intrusive investigation work and subsequent ground gas and groundwater monitoring, the purpose of which is to identify potentially current or historic contaminative activities on site and any sensitive receptors in the vicinity. A ground investigation report has been undertaken to guide the design of foundations for the new buildings. The reports

concludes that the site has a low risk of contamination (with a potential for acute risk during construction) and makes recommendations in respect of method statements required to address unexpected asbestos, appropriate measures to be taken during construction, waste management, remediation and piling.

Statement of Community Involvement (Prepared by DHA on behalf of the Applicant)

The statement confirms that pre applications discussions were held with the local planning authority. In respect of public engagement 1700 letters were sent to local residents, businesses and stakeholders inviting them to an exhibition. There were 38 visitors to the session and a further 22 people submitted comments by email.

Noise Assessment (Prepared by Entran Environmental and Transportation on behalf of the Applicant)

This report sets out the results of the noise assessment undertaken to establish baseline conditions together with recommendations for mitigation. The report recommends thermal double glazing, passive through wall ventilation or trickle vents, careful design of balconies and appropriate thickness for slabs and walls to separate the commercial and residential elements within the building.

Acoustic Façade Design (Prepared by Cass Allen on behalf of the Applicant)

This document has been prepared as a supplementary document to the Noise Assessment. The document sets out the detailed mitigation strategy to ensure that acceptable internal noise levels will be achieved in the habitable rooms of the proposed development.

Planning Statement (Prepared by DHA on behalf of the Applicant)

This statement seeks to describe the site and surrounding area and sets out the applicant's case in support of the proposal explaining how it addresses development plan policy requirements. The content of the report has been incorporated into the description of the development set out above.

Pedestrian Wind Environment Report (Prepared by Entran Environmental and Transportation on behalf of the Applicant)

The purpose of this report is to look specifically at the microclimate effects of the proposed development in the interests of pedestrian comfort and safety. This is required due to the significant increase in scale of the building proposed on site in relation to the surrounding context. The report is based on computer modelling of wind effects. The areas of sensitivity are located in Homefield Rise, the Bromley College Car Park, Public Square and the existing narrow pedestrian route running to the west of the site. The proposed building is assessed against the existing building on site. In terms of pedestrian comfort the report indicates that most of the areas around the application site are within the recommended criteria for standing, leisure and business walking, cycling and sitting. The resultant wind speed is likely to exceed recommended thresholds in some areas (the pedestrian walkway to the

west of the site). However the exceedance of safety criteria is minor and would not affect typical pedestrians.

The report concludes that appropriate mitigation can be offered through sensitive landscaping. It is noted that the proposed plans show planters as part of the landscaping scheme for Homefield Rise which will help to mitigate any adverse effects.

Construction Environmental Management Plan (Prepared by Berkeley Homes)

This framework CEMP outlines land ownership issues that may affect the construction programme, construction site layout and techniques, environmental issues that may arise and measures to reduce the adverse effects of construction.

Transport Assessment (Prepared by URS on behalf of the Applicant)

This assessment sets out the policy requirements in respect of transport and highway impact, identifies the baseline conditions in respect of public transport, accessibility and traffic surveys and then assesses the impact of the proposal. The report covers access, parking standards, traffic generation and measures to promote sustainable transport modes. The assessment concludes that the site is well connected providing easy access to public transport and local facilities. Car and cycle parking will be provided in accordance with Bromley standards and a residential and commercial travel plan will be secured.

Supplementary Technical Response - Highways (Prepared by URS on behalf of the Applicant)

This report was submitted in response to comments raised by the Councils Highways Officer in respect of the original transport assessment.

The report assess the parking availability both within the Walnuts Multi Storey Car Park and on-street within comfortable walking distance of the site. The report includes the details of the parking survey undertaken to establish existing demand, the survey was undertaken on a Thursday in October over the period 8am to 6pm. A weekday was chosen as this is likely to be the busiest time when the proposed medical centre will be in use and the above Transport Statement had already considered the impact on Saturdays. The reports states that the capacity of the car park is 523 spaces and suggests that there is a significant amount of spare capacity with a maximum occupancy of only 172 spaces (33%) recorded during the survey period. The report considers the cumulative impact of developments coming forward in the town centre (new cinema, gym and an extension to the shopping centre and restaurants). The report concludes that even with the cumulative parking requirements the Walnuts Car Park will have the capacity to accommodate the development on a weekday with occupancy estimated to be 61%.

This report sets out the anticipated trip generation for the proposed medical facility based on information provided by Healthcare Partnering. The Bromley Clinic Commissioning Trust has suggested that the facility will operate 8am to 8pm

Monday to Friday and from 8am to 1pm on a Saturday with an anticipated 3000 visitors per week which is based on an equal number of visitors per day (554).

The report also identifies parking potential in Homefield Rise, Lynch Gate Road, Mortimer Road and Gravel Pit Way. The survey results suggest that the roads with unrestricted parking (Mortimer Road and Homefield Rise) were more or less at capacity until the early afternoon. After this the level of occupancy was variable and it is not anticipated that these streets will provide regular opportunities for visitors to park free of charge. Capacity was available in Lynch Gate Road and Gravel Pit Way for pay-and-display parking.

This report confirms that the residential parking provided on site at basement level will be available for residents to purchase; it is likely that the larger units will be sold with an allocated space. The units without an allocated space will be marketed as 'car free'. Access into the car park will be limited to those people with an allocated space. It is considered unlikely that occupiers without an allocated space will be car owners given the restrictions in place in the immediate surrounding area. The report suggests that the parking provision within the scheme is appropriate given the town centre location and PTAL Rating (4).

The report confirms that an ambulance drop-off bay is essential for the medical facility as is the retention of a single disabled space adjacent to the entrance. All servicing will take place from Homefield Rise.

Workplace and Residential Travel Plans (Prepared by URS on behalf of the Applicant)

Two separate documents have been prepared to support the application. The Travel Plans set out the policy requirements for promoting sustainable transport modes. The documents confirm that the development would benefit from a Travel Plan Coordinator based on site. Measures to promote sustainable transport modes will include promotion of car sharing, publicising public transport information for future occupiers, assisting with personalised travel planning and supporting cycle and walking initiatives. Travel surveys and annual monitoring will be undertaken and submitted to the Council annually.

Location

This 0.2 hectare site is located on the northern side of Homefield Rise sandwiched between Sainsbury's supermarket and Bromley College Car Park. Immediately to the west of the site there is a public pedestrian route providing access between Homefield Rise and the Walnuts Centre. This route is approximately 5.5 - 8.0m wide. To the north of the site lies a public square forming part of the Walnuts Shopping and Leisure Centre beyond. To the northeast of the site is Bromley College and to the northwest Orpington Public Library. This area is currently undergoing significant regeneration that will result in an improved shopping centre with a new gym, cinema and hotel.

The site is currently occupied by a 5 storey 1970's building that was formerly in use as a police station on the northern end and a 2 storey decked car park on the

southern end. The car park was formerly accessed from Homefield Rise. The site has been vacant since early 2014 following the relocation of the police station.

The site has a PTAL Rating of 4 (good), there are 19 bus routes operating within close proximity of the site and Orpington Railway Station is located just over 1 kilometre from the site.

In a wider context the site lies within Orpington Town Centre, to the east of the High Street. There are a variety of commercial uses within the immediate vicinity with residential streets located just beyond the main commercial hub. The nearest residential houses are located on the opposite side of Homefield Rise. Moving northeast and southwest the area becomes wholly residential in character comprising predominantly two storey dwellings.

The area is mixed in terms of scale and architectural appearance of the buildings. There are a number of substantial commercial buildings in the immediate vicinity including the 11 storey Bromley College building, 5 storey Sainsbury's development and 3 storey library. The residential properties in Homefield Rise are 1-2 storey's in height.

Comments from Local Residents and Amenity Societies

Nearby owners/occupiers were notified of the application by letter. Site notices were displayed and an advertisement was placed in the local press.

At the time of writing this report 118 letters of objection had been received (including comments from Lancing Residents Association and Bromley College). The full comments can be read on file but are summarised as follows:

- Excessive density of development
- Insufficient parking provision for residents and users/staff for the medical facility onsite will lead to parking problems in the surrounding streets
- Future occupiers will park in Lancing Road
- There will be a lots of 'stop and drops' related to the medical facility which will cause additional hazards in an already congested part of the town centre
- This will cause significant traffic congestion
- The scale of the building is out of keeping with the surrounding area, it is far too high
- The height should be reduced by at least 2 storeys
- The building will harm visual amenity
- This proposal amounts to overdevelopment
- This type of building would suit an inner London area not Orpington
- The windows and balconies will overlook residential neighbours causing loss of privacy
- Overlooking of Bromley College will occur which will be harmful as there are under 16s attending the college
- The development could adversely affect the value of neighbouring properties

- The proposal is contrary to adopted policies in the Unitary Development Plan
- There will be an increase in noise
- There will be an increase in pollution
- This will create a precedent for more high rise buildings in the area
- The design of the building is unappealing
- The building will cause overshadowing
- There is already insufficient disabled parking provision on street in this locality
- The building will dominate the adjacent public spaces making them feel oppressive
- Concerns regarding flood risk and drainage
- The balconies provided do not meet London Plan minimum sizes
- Future occupiers will experience a compromised level of daylight/sunlight into the dwellings

At the time of writing 2 letters of support had been received for the application.

Additional representations received after the publication of this report will be reported at the committee meeting.

Comments from Consultees

NHS Bromley Clinical Commissioning Group: The group strongly support this application. The development is planned to incorporate a Health and Well Being Centre which will include the transfer of two local GP premises to modern, compliant, purpose built accommodation. The Centre will also provide a range of Community, Secondary, and Wellbeing services such as Outpatients, Radiography and Physiotherapy. In short it is directed towards supporting a strategy of providing an holistic service in the community for the people of Orpington and the wider Borough of Bromley as well as reaching out to some areas of known deprivation.

The need for the development is based on a number of studies including the Orpington Health Needs Assessment undertaken in 2011. It enjoys widespread support from the local population as well as health care professionals and local politicians. We look forward to working with Berkeley Homes in bringing this much needed development to fruition.

Orpington 1st Business Improvement District: Fully support the proposal. We are delighted that Berkeley Homes have seen the potential in Orpington and chosen to invest in the town with a high quality development. The proposal delivers a modern and stylish building that complements the surrounding development and will bring residents into the heart of the Town Centre, which is a strategy for future growth and sustainability shared by the BID.

English Heritage: Having considered the Archaeological Desk based Assessment I am happy to recommend its approval. There is no requirement for additional assessment in this instance.

Metropolitan Police (SBD): I have met with the design team as part of pre application discussions. The proposal should be able to gain SBD accreditation for design and layout as well as physical security. I would therefore request that a condition is attached requiring compliance.

Thames Water: No objection subject to recommended Conditions and Informatives.

Highways (summary - full comments discussed in Highways section below): The proposal is acceptable subject to recommended conditions in respect of parking, hard standing, cycle parking, construction management plan, car club, travel plans, delivery and servicing plans and road safety audits and s106 contributions towards provision of a car club and future controlled parking measures if required.

Environmental Health (summary): No objection subject to conditions in respect of noise insulation/mitigation, plant and equipment, dust minimisation and construction logistics, air quality impacts arising from the proposed heating system and land contamination. In respect of air quality I note that the supporting assessment identifies the development will lead to negligible increases in the levels of NO₂. However, even a small change will contribute to 'creep' in the annual average background concentration. Future developments will use this background as a basis for assessment and consequently the background concentrations will rise. However, the effect of this can be offset by mitigation. I would welcome the opportunity to secure mitigation through the s106 agreement.

Strategic Housing (summary): The proposed scheme is located with good access to the local amenities and transport links of Orpington town centre. As such, this is considered to be a suitable location for the provision of affordable housing. A financial viability assessment should be submitted to demonstrate that the maximum provision of affordable housing has been secured. Provision must be made for 10% wheelchair housing. The council requires that all units affordable and market are built to Lifetime Homes standards. Units must be built to meet or exceed the standards detailed within the Mayor's London Housing Design Guide.

Drainage Advisor: The applicant is required to carry out a surface water strategy to address the impact of surface water run-off, SUDS measures must be maximised. I recommend the incorporation of green roofs on the top of flat roof, petrol interceptor must be install from the car park area. This site appears to be suitable for an assessment to be made of its potential for a SUDS scheme to be developed for the disposal of surface water.

Please impose Standard Drainage Conditions D02 (surface water) and D06 (sustainable drainage) on any approval to this application.

Planning Considerations

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

Relevant UDP policies include:

H1 Housing Supply
 H2 Affordable Housing
 H7 Housing Density and Design
 H12 Conversion of Non Residential Buildings to Residential Use
 C1 Community Facilities
 C4 Health Facilities
 T1 Transport Demand
 T2 Assessment of Transport Effects
 T3 Parking
 T5 Access for People with Restricted Mobility
 T6 Pedestrians
 T7 Cyclists
 T9 & T10 Public Transport
 T15 Traffic Management
 T18 Road Safety
 BE1 Design of New Development
 BE2 Mixed Use Developments
 BE4 Public Realm
 BE17 High Buildings and Skyline
 NE12 Landscape Quality and Character
 S2 Secondary Frontages
 ER7 Contaminated Land
 IMP1 Planning Obligations

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

- Affordable Housing SPD
- Planning Obligations SPD
- SPG1 Good Design Principles
- SPG2 Residential Design Guidance

Bromley's Draft Local Plan: Policies and Designations Document has been subject to public consultation and is a material consideration (albeit it of limited weight at this stage). Policies relevant to this application include:

5.1 Housing supply
 5.3 Housing design
 5.4 Provision of affordable housing
 5.10 Conversion of non-residential buildings to residential
 6.1 Community facilities
 6.2 Opportunities for community facilities
 6.3 Social infrastructure in new developments
 6.4 Health and wellbeing
 7.1 Parking
 7.3 Access to services for all
 8.1 General design of development
 9.17 Metropolitan and major town centres
 10.1 Sustainable waste management
 10.3 Reducing flood risk

- 10.4 Sustainable urban drainage systems
- 10.6 Noise pollution
- 10.7 Air quality
- 10.10 Sustainable design and construction
- 10.11 Carbon reduction, decentralise energy networks and renewable energy

Relevant London Plan Policies include:

- 1.1 Delivering the strategic vision and objectives for London
- 2.6 Outer London: vision and strategy
- 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 people's play and informal recreation facilities
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 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 in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 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

- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

The London Plan SPG's relevant to this application are:

Accessible London: Achieving an Inclusive Environment (2014)
Housing (2012)
Sustainable Design and Construction (2014)

Draft Alterations to the London Plan (FALP) have been subject to an Examination in Public and is expected to be published in March 2015, it is therefore a material consideration (with significant weight). The FALP would cover the period 2015 - 2036. The following amendments to policies are relevant:

- Increased housing provision across London of 49,000 net additional homes per annum
- An increase in housing provision within Bromley (641 per annum)
- Increased cycle parking provision - 1 space for studio or 1-bed flats and 2 spaces for all other dwellings

The National Planning Policy Framework 2012 (NPPF) is also relevant. The NPPF contains a wide range of guidance relevant to application specifically sections covering sustainable development, delivering a wide choice of quality homes, requiring good design, conserving and enhancing the natural environment, decision-taking and implementation. The NPPF makes it clear that weight should be given to emerging policies that are consistent with the NPPF.

Planning History

There is no relevant history for this particular site. Relevant history for neighbouring sites has been set out below:

DC/12/02027: Erection of part 4/part 5 storey building to provide 3x A3 (Restaurant/Cafe) units, cinema lobby area and 4x A1 (retail) units of the ground floor and 7 screen (950 seat) cinema on the upper floors, together with plant, servicing and refuse area at the rear and creation of new square with associated landscaping (at Crown Buildings site). Approved.

DC/14/01056: Erection of part 4/part 5 storey building to provide 3x A3 (Restaurant/Cafe) units, cinema lobby area and 3x A1 (retail) units of the ground floor, gym at mezzanine level and 7 screen (950 seat) cinema on the upper floors, together with plant, servicing and refuse area at the rear and creation of new square with associated landscaping (at Crown Buildings site). Approved.

Conclusions

The main issues to be considered are:

- Principle of Development
- Housing Issues
- Design
- Landscaping and Public Realm
- Highways and Traffic Issues
- Impact on Adjoining Properties
- Sustainability and Energy
- Planning Obligations

Principle

This site was last used as police station which although classified as a Sui-generis use in the Use Classes Order is considered to be a community use in terms of its operation, function and contribution to social infrastructure. The former police station is classified as a community facility for the purposes of planning. Therefore any redevelopment of the site would need to address development plan policies which seek to protect community facilities. Policy 3.16 of the London Plan resists the loss of community facilities stating that London requires additional and enhanced social infrastructure provision to meet the needs of its growing and diverse population. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered. Policy C1 of the UDP reinforces this approach and clearly states "planning permission will not be granted for proposals that would lead to the loss of community facilities unless it can be demonstrated that there is no longer a need for them or alternative provision is to be made..." This site was vacated by the Police in 2014 and was subsequently marketed for redevelopment. The site has now been purchased by the applicant.

In order to address the above policy requirements this application proposes a mixed use development whereby a substantial amount of floor area would be provided for a community use. It is proposed to allocate the majority of the ground floor and whole first floor totalling 1,979 sqm of floor space to community (D1) Use. In order to meet an identified need for enhanced medical facilities within this location it is proposed to bring forward a mixed use redevelopment which would include the delivery of a large medical facility. Re-provision of the community use through a mixed use development is considered to be an appropriate response that would meet planning policy requirements.

Policy C4 deals with the re-provision of new health care facilities supporting new provision in locations such as town centres which are easily accessible by public transport. This is further reinforced in draft local plan policy 6.4. Consequently the provision of a new medical facility as part of the development would be welcome. The applicant has been engaged in extensive discussions with the NHS in order to secure occupation of the medical facility once constructed. Such a facility would meet an identified need in this part of the borough and would make a significant positive contribution to social infrastructure in Orpington Town Centre. Securing an appropriate package of measures to make the community use an attractive and viable option is fundamental to the success of the scheme in order to try and prevent the situation arising whereby provision for such a facility is made but

occupation not secured. In order to make the facility an attractive and feasible offer to the NHS the applicant has put forward a tangible package of measures which comprise a Heads of Terms Lease Agreement, an agreed level of fit out (shell and core), an appropriate timeframe for delivery and an agreed cap on rental fees. The NHS has confirmed that this package of measures would make the medical facility an attractive and viable option for them. It is considered necessary to secure those measures within the s106 legal agreement in order to ensure that a genuine mixed use redevelopment is delivered in accordance with development plan policies.

Subject to the aforementioned measures being secured within the s106 agreement the principle of the redevelopment proposed is considered to be acceptable. Given the demonstrable need for a medical facility and the positive benefits that this particular use would bring to the locality as well as the need to consider the amenity impacts arising from other uses that fall within a D1 Use Class it is considered appropriate to limit the D1 use to this particular purpose by way of a condition.

The proposal also includes the provision of a retail unit (Class A1) on the ground floor. This is an appropriate use for this location. The applicant has not identified an occupier for the A1 unit and has suggested that a café may also be an appropriate use. In the event that this unit is occupied as a café (A3) a condition is recommended requiring details of a ventilation/extraction system.

Having accepted the principle of re-providing the community facility it is appropriate consider the suitability of the site for residential development. At national level, the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. At regional level, the 2011 London Plan seeks mixed and balanced communities (Policy 3.9). Communities should be mixed and balanced by tenure, supported by effective and attractive design, adequate infrastructure and an enhanced environment. Policy 3.3 establishes a housing target for the Borough and if approved, this site could contribute towards the housing supply. Policies 3.11 and 3.12 of the plan confirm that Boroughs should maximise affordable housing provision, where 60% of provision should be for social housing (comprising social and affordable rent) and 40% should be for intermediate provision and priority should be accorded to the provision of affordable family housing.

UDP Policy H1 requires the Borough to make provision for additional dwellings over the plan period acknowledging a requirement to make the most efficient use of sites in accordance with the density/location matrix. Policy H12 encourages the conversion of non-residential buildings to residential use provided a satisfactory quality of accommodation can be achieved. Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Policy 4B.1 and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL).

This town centre site falls within the definition of a central urban setting and has a PTAL rating of 4 giving London Plan indicative density range of 215-405 dwellings

per hectare / 650-1100 habitable rooms per hectare (dependent on the unit size mix). The London Plan states that residential density figures should be based on net residential area, which includes internal roads and ancillary open spaces. UDP Policy H7 also includes a density/location matrix. For locations such as this which are within the town centre but also in close proximity to suburban residential streets a wide density range could be supported (55-435 dwellings per hectare/ 200 - 1100 hab rooms per hectare) by the UDP. The purpose of the density matrix is to provide guidance in relation to optimising the development potential of a site. The matrix does not set a maximum and it is necessary to ensure that a development is well designed, providing a high quality living environment for future occupiers whilst respecting the spatial characteristics of the surrounding area when reaching a balanced view in respect of density.

Officers have calculated the density of this proposal to be 415 dwellings per hectare or 1075 habitable rooms per hectare which is at the upper end of the Bromley matrix and London Plan guidance. It is also acknowledged that the density ratio would increase if the floor space for the medical facility were deducted from the calculations. Third party concerns relating to excessive density have been duly considered. However, given the town centre accessible location and context of the immediate surroundings the site is considered to be suitable for a high density mixed use development. In locations such as this it is entirely appropriate to maximise development opportunities and provided the development can provide a high quality living environment for future occupiers without adversely affecting the amenity of neighbouring occupiers, it is considered that the provision of a significant number of new homes together with a re-provided community facility in this location would make a valuable contribution to addressing the Boroughs housing need.

Policy BE17 deals specifically with tall buildings. When viewed in the context of the adjacent college the building on this site would not constitute a tall building. However, in the wider context the building would significantly exceed the general height of surrounding buildings. Policy BE17 requires buildings to be of outstanding architectural quality, provide a complete and well-designed setting so that the building will contribute positively to its surroundings at street level, provide mixed use at effective densities and have good access to public transport nodes and routes. For the reasons discussed in this report the proposed building is considered to make a positive contribution to the place-making objectives for the town centre. The building would also provide a high quality living environment for future occupiers. Consequently the current proposal is considered to be acceptable in principle and appropriate in terms of amount and density of development.

Housing Issues

UDP Policy H7 outlines the Council's criteria for all new housing developments. The policy seeks the provision of a mix of housing types and sizes.

a) Size and Tenure of Residential Accommodation

The proposal would provide the following residential development:

	1 Bed	2 Bed	Total
Private	34 (3)	49 (5)	83
Affordable	0	0	0
Total	34	49	83

*Wheelchair accessible units shown in ()

The size mix of units in this town centre location is considered to be acceptable. Eight wheelchair units would be provided which meets the policy requirement of 10%. Plans have been submitted to show where the wheelchair units would be located and that they are capable of meeting wheelchair standards. As originally designed the units did not meet the required SELHP standards for affordable wheelchair provision. However, no affordable provision is proposed (following an assessment of viability) and the internal layouts have been re-designed to ensure that the private wheelchair units are capable of meeting required standards. The provision of Wheelchair dwellings will be secured by way of a condition.

Policy H2 of the UDP requires sites capable of providing 10 or more dwellings to make provision for 35% affordable housing (by habitable room). A lower provision of affordable housing can only be accepted where it is demonstrated that the viability of the scheme cannot support policy compliant provision. In such instances the maximum level of affordable provision must be sought. Recent changes to the NPPF and PPG raise the threshold to 11 or more dwellings. In this instance the development comprises 83 residential units and therefore triggers the need to address Policy H2.

As originally submitted this application proposed the provision of 16% affordable housing. Consequently the application was supported by a confidential viability assessment. However, as discussed above an important part of this redevelopment is the re-provision of a community facility and the necessity to secure a tangible package of measures to make the facility an attractive and viable prospect for future occupiers. Significant weight has been given to the negotiated terms and conditions discussed above which will be secured in the s106 agreement. The delivery of a significant public realm contribution from the development is also considered to be a priority for the Council (discussed further below). Such measures have a significant bearing on the financial aspect of the development and must therefore be taken into consideration in the viability of the scheme. Following a period of negotiation with respect to the community facility and public realm contribution the applicant submitted a revised viability assessment. The assessment was independently reviewed by an expert consultant on behalf of the Council. The assessment was found to be robust in terms of assumptions regarding build costs, land and sales values, profit levels, s106 and CIL obligations. The assessment concludes that in light of the obligations to be secured in the s106 the development inclusive of an onsite health facility and other contributions cannot viability support any affordable housing provision.

It is acknowledged that the former police station building is now vacant and therefore recent changes to the National Planning Guidance could apply (Vacant Building Credit paragraph 021). However, no information has been submitted to demonstrate that VBC should be applied to the scheme and in any event the

viability assessment clearly demonstrates that the proposal cannot support any affordable housing provision.

Whilst the lack of affordable housing is regrettable a balance must be struck between the significant public benefits of the scheme and the lack of affordable provision. In this instance significant public benefit will arise from bringing this currently vacant and visually detrimental site back into use, the delivery of the medical facility, a substantial contribution towards delivering necessary public realm improvements within this part of the town centre, the contribution towards education provision and provision of 83 residential dwellings in this sustainable location. On balance the proposal is considered to be acceptable despite the lack of affordable provision.

b) Standard of Residential Accommodation

Policy H7 of the UDP and the Residential Standards SPD sets out the requirements for new residential development. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out baseline and good practice standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including cycle storage facilities) as well as core and access arrangements.

Table 3.3 of the London Plan and Standard 4.1.1 of the SPG sets out minimum space standards for new development. The standards require 1bed2person units to be a minimum 50 sqm, 2b3p units to be 61 sqm and 2b4p units to be 70 sqm. All of the units comfortably meet the minimum unit sizes and would benefit from a good internal layout, capable of meeting Lifetime Home Standards with an acceptable provision of storage. All units would benefit from private amenity space in the form of balconies/terraces as well as having dedicated cycle storage facilities. Whilst the units are not dual aspect they have been designed to provide a good level of outlook, privacy and amenity for future occupiers.

Given the location of the flats above commercial uses and adjacent to existing town centre uses it is necessary to ensure that appropriate acoustic design is secured to protect future occupiers from unacceptable noise pollution. Existing noise levels have been monitored and a detailed mitigation strategy has been submitted to ensure that acceptable internal noise levels will be achieved in accordance with relevant standards and best practice. Appropriate construction techniques, insulation, ventilation and thermal double glazing has been incorporated into the proposal to ensure that a satisfactory level of amenity can be achieved. It is also considered appropriate to attach conditions restricting delivery times and hours of operation for the medical facility and A1/A3 unit on the lower floors of the building.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should

contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design. UDP Policy BE1 sets out a list of criteria which proposals will be expected to meet, the criteria is clearly aligned with the principles of the NPPF as set out above.

The key elements of design are assessed below.

Layout

The footprint of the proposed building would occupy the full depth of the plot resulting in a rectangular building that has the ability to create active frontage on 3 sides. The building would be setback from the shared boundaries on the east and western edges to allow for sufficient pedestrian access on both sides and maintenance of the building. The setback would mean that projecting balconies on the upper levels would not 'over sail' neighbouring land. By setting the building back from the eastern boundary the development would not in principle prejudice potential future development of the Bromley College Car Park.

The residential element will be accessed from Homefield Rise and the main square to the north of the building. The medical facility will have two points of access, one from Homefield Rise and the other from the pedestrian route running between the site and Sainsburys. The retail unit would front onto and be accessed from the main square. Positioning active ground floor uses adjacent to the Public Square and pedestrian route running to the west of the building will result in a significant improvement to these public spaces/routes creating a more pleasant pedestrian environment both in terms of visual appearance and natural surveillance.

Refuse storage areas, plant, service and lifts will be located on the eastern edge of the building at ground floor level facing onto the Bromley College Car Park. This is an appropriate location for such uses as there is no need for active frontage along

this boundary, the space between the building and site boundary is intended for servicing access rather than a public route.

A staggered building footprint is proposed whereby the width of the building will be reduced at the southern and northern ends to create a wider pedestrian walkway to the west of the building. This means the existing footpath would be increased to a width of 7.2 - 14.6m. This will result in a significant improvement to this part of the public realm.

The ground floor commercial/community uses would complement the use of the public square and existing developments surrounding this important public realm.

The introduction of active frontage along the western edge will be of particular benefit as this area currently provides a very poor environment for the pedestrian.

Vehicular access to the basement car park would be provided from Homefield Rise utilising the previous access that served the police station.

Height and Mass

This site lies in an area of mixed character in terms of height and mass, the immediate surrounding are characterised by buildings of substantial scale appropriate to the context of a town centre location. The proposed building of 9 storeys would represent a significant increase in height compared to the former police station (2 - 5 storeys) but would not appear incongruous when viewed in the context of the adjacent Bromley College (5-11 storeys high) or Sainsbury's buildings (5-7 storeys).

The proposed building would have a substantial footprint and mass. However the bulk would be reduced by virtue of the staggered footprint and stepped roof design which results in a generous set-back at each end of the building. Articulation of the facades through the use of fenestration, winter gardens and projecting balconies would also help to break down the mass of the block.

Third party concerns raised regarding the scale and height of the development have been duly considered. It is accepted that the proposed building would be taller than surrounding developments. However, it is considered appropriate to assess the scale of the building in the context of its immediate surroundings on the edge of the town centre forming part of the Walnuts rather than in the context of the residential scale suburban developments in Homefield Rise and beyond. In this particular location the proposed height and mass is considered to be acceptable. Approval of this application would not set a precedent for future high buildings which would need to be assessed on their individual merits.

Architecture

The proposed architectural treatment and materials palette is of contemporary design comprising large areas of glazing with a strong vertical emphasis and layering of the building created through the contrast of brick and cladding panels. The materials chosen (3 types of brick/cladding/extensive curtain wall glazing and

composite fenestration) are robust and will stand the test of time. It is intended to play with the brick using textured brickwork panels and varied brick bond to add interest and depth to the facades. Subject to detailed design features such as deep reveals and appropriate cladding of the soffits and fascia's for balconies the development could be executed to a high quality.

The use of extensive green roofs on the flat roof setbacks will add interest to the design as well as bringing sustainability benefits to the scheme.

It is appropriate to secure material samples by way of a condition to enable the local planning authority to control the development in detail.

Overall the proposal is considered to represent a high quality design that will make a positive contribution to the townscape and pedestrian environment at street level in accordance with relevant design policies listed above.

Site Security

Secure by Design principles have been considered as part of the design process. The layout and position of uses within the building has been designed to maximise activity and natural surveillance within the site as well as introducing additional natural surveillance to the surroundings. The basement car park will have key fob controlled access and will be adequately lit. A condition should be attached to ensure appropriate lighting as part of the detailed design.

Landscaping and Public Realm

Landscaping is an integral part of the development and is fundamental to ensuring that the development responds appropriately to the character of the site and surrounding area and provides a high standard of amenity for future occupiers.

The proposed building will occupy most of the site with little opportunity for soft landscaping. External amenity space is provided in the form of balconies/terraces, no communal space is proposed. However, given the location of the site a more appropriate solution is to improve the hard surfacing around the perimeter of the site to coordinate with wider public realm improvements discussed below. The applicant's plans show a small landscaped buffer between the pedestrian footpath and the entrance to the basement car park which is appropriate and laying of hard surfaces to facilitate pedestrian access into the development. Vehicular access will be controlled through the use of bollards. Hard surfacing treatment will need to be of high quality, it is appropriate for samples to be submitted as part of the package of facing materials.

Based on the Mayor's play space SPG, there is a requirement for 47 sqm of playspace on site of which 23 sqm should be on-site and designed for under 5s. This application does not make provision for on-site playspace. However, due to the location and site constraints this is considered to be acceptable.

All residential and commercial development is required by policy to contribute towards good design (Policies BE1 and BE4 of the UDP and 7.4 and 7.5 of the London Plan), which extends to the consideration of the public realm. Most forms

of development will place the surrounding public realm under increased strain and will therefore be required to minimise, eliminate or mitigate against the negative impacts of the development. Such mitigation may be required to cover aspects such as quality and durability, access and connectivity, community safety and other matters integral to improving the quality for users of these areas.

The public realm surrounding Orpington Police Station is currently very poor, there is a demonstrable need for significant improvements to the main square and all routes into the Walnuts and surrounding area. Comprehensive redevelopment of this site will play a key role in the wider improvements to Orpington Town Centre. Redevelopment of this site together with provision of a cinema, hotel, gym and improved shopping facilities will significantly enhance the offer of the town centre but will also provide a unique opportunity to implement a comprehensive, Council led public realm improvement scheme. The main focus of the environmental improvements to the area will be enhanced pedestrian routes along Homefield Rise, the alley running between the application site and Sainsbury's, the public square and routes to the square from the High Street. The Council has engaged expert consultants to prepare a concept scheme and it is necessary for developments coming forward in this locality to mitigate their impact by contributing to the costs of implementation of this scheme. The costs should be met on a proportionate basis relative to the nature and scale of developments coming forward and their impacts on the town centre.

It is entirely appropriate that planning obligations for public realm improvements are sought from developments within town centres such as Orpington and those specific developments address the localised impacts of introducing new residents and visitors to an area. It is necessary and reasonable for all new development coming forward within this locality to contribute towards public realm improvements that go beyond the red site boundary. Given the amount and type of development proposed by the Berkeley's scheme and its relationship to the surrounding square and routes, it is considered appropriate that this development makes a significant contribution towards the necessary, planned improvements for The Walnuts. This has been discussed with the applicant and it has been agreed that a contribution towards public realm will be secured in the s106 agreement.

Highways and Traffic Issues

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, safe and suitable access to the site can be achieved for all people. It should be demonstrated that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the UDP should be used as a basis for assessment.

This planning application is accompanied by a Transport Statement (TS) to assess the impacts of the development on the local highway and transport network, including during the construction period as well as the operation of the development. The submission also included travel plans for the residential and commercial elements of the scheme.

The site is within a moderate (4) PTAL area with 17 bus routes in the vicinity of the site. It is within Orpington town centre where the majority of roads have controlled parking with a mixture of pay & display parking, residential permit bays and "at any time", daytime and one-hour parking restrictions.

The TA included parking surveys carried out in The Walnuts car park and the on-street Pay & Display in the vicinity of the site. The Walnuts car park appears to be currently underutilised and the surveys showed that there is enough spare capacity to accommodate the estimated demand from the health centre development and the other consented developments within The Walnuts. This, however, relies on drivers being prepared to pay to park.

Retail Highways and Traffic

Given the size of the unit, it is unlikely to generate significant trips in its own right but is more likely to be visited by people who are already in The Walnuts or the High Street.

Residential Highways and Traffic

There are 44 parking spaces provided for the 83 flats (0.53 spaces per unit). The application indicates that the units without parking will be marketed as car free but there is no guarantee that this will be binding on occupants not to own a car. The parking accumulation exercise in the original TA showed that there is likely to be an overdemand for parking. This was explained in the revised TA as being due to the sites on which the calculation was based having higher parking provision.

The level of car parking proposed appears to rely on it being difficult to park a car all day in the nearby area for free. Whilst there is adequate pay and display provision in the vicinity of the site, given waiting restrictions in the surrounding roads the Councils Highways Officer would agree that it may not be convenient for many residents to own a car. The nearest location where it is free to park with a minimum restriction is Lancing Road, east of Mortimer Road, which has a Monday - Friday 11am - noon or 1pm - 2pm restriction. If someone drove to work every day they could park there in the evening and at weekends although there are likely to be periods where they would need to move the car elsewhere. The nearest roads without any restriction are some considerable distance away. This may mean residents without an allocated space could be put off owning a car or car owners may opt not to move into a building in such a location, however, it is difficult to estimate numbers of those who may be prepared to do so. Visitors to the

residential units who did not wish to pay to park could also use Lancing Road or other nearby roads when the restrictions were not in force. The residents should not be eligible to apply for any resident's parking permit for nearby roads.

Health Facility Highways and Traffic

There are 2 parking spaces provided for staff at the health centre. The latest information submitted indicates that there will be a maximum of 65 staff on site. It is understood that the NHS is seeking 20 parking permits in nearby car parks and this will leave some 40 odd staff without a parking space. Some will use public transport but there are likely to be some who drive.

The estimate of the number of patients per day using the facility will be around 500-569. The estimate of the parking demand is based on approx 70% of patients arriving by car. Although there are spaces in the car park, as indicated in the surveys, there may well be drivers who wish to avoid paying to park. Lancing Road is probably the nearest road where the short term restriction will make it possible for parking during the day.

The application includes the proposal that the 3 existing disabled parking bays outside the site are replaced with one disabled bay and an ambulance drop off bay. Any changes to the bays here should be at the expense of the applicant. It is envisaged that there are a number of people who would attend the facility who would be blue badge holders. There is a blue badge car park almost opposite the site but the traffic surveys showed this was nearly full most of the day. Consequently, there is likely to be demand for parking on the yellow line in the vicinity of the site.

Car Club Highways and Traffic

It is understood that the applicants have been in contact with City Car Club about utilising the car club vehicle located at outside the Village Halls in the High Street. This may assist residents who only need a car infrequently. The agreement reached would ensure 2 years membership for each unit and a credit towards driving time. There needs to be a guarantee that there is a car club presence in the High Street when the building becomes occupied, which if permitted may take a couple of years, and this needs to be taken account of in any condition/s106 agreement.

Servicing Highways and Traffic

This development is likely to have vastly different requirements to the former use as a Police Station. In terms of all servicing, including refuse collection, the application indicates this will take place from the ambulance drop off and disabled bay or nearby if these are not available. There are "no loading" restrictions opposite the site, a bus stop, and other bays nearby that may not be available. There is limited information about the number of deliveries likely to occur, particularly to the health centre and so a Delivery and Servicing Plan would be required.

Access Highways and Traffic

The access to the underground parking area is single width. Part of the gradient is 1:8 which is steeper than the normal requirement of 1:10. There is level standing at the top of the ramp which then slopes away from the highway so this may not be too much of an issue. There are gates shown near the bottom of the ramp on the latest plans but no indication of when they are likely to be in use.

There is no passing bay on the ramp and with the gradient and bend it is not clear how far drivers can see along the ramp to see an approaching vehicles. Reversing back up the ramp to the highway is not appropriate. There should be a system of traffic lights in place on the ramp to prevent 2 cars entering at the same time with priority given to those vehicles entering to prevent queuing on the highway. This can be secured through condition.

The layout of the access and any changes to the footway outside the site will need to be subject to an appropriate road safety audit and the methodology of any works in the highway will need to be agreed by Area Management. This can be secured through condition.

Cycle parking will be provided in line with the standards in the London Plan.

The travel plans submitted with the application do not meet the full requirements and therefore a condition should be attached requiring a further submission.

Highways Related s106 Obligations

It will be inconvenient for residents who do not have a parking space within the site to park on street which is likely to restrict the demand to do so. However, there may be people who choose to do this. The information supplied shows that there is sufficient capacity within The Walnuts car park and on-street Pay & Display to accommodate the parking demand from the health centre. If drivers, staff or patients, choose to look to park free of charge then parking will increase on nearby roads, particularly Lancing Road. However, quantifying this at this stage is very difficult. There are no remedial measures suggested in the TA, Highways Officers have therefore requested that the applicant provides a sum of money to be used if issues arise in the future and it is agreed that further restrictions or parking measures need to be installed. The exact need and scale are unknown at the moment but it is suggested that £12,000 is made available. This should be secured in the s106 agreement.

The changes to the disabled bays outside the site will need to be funded by the applicant which are likely to be in the region of £2,000

Subject to appropriate mitigation being secured the Council's Highways Officer is of the view that the application would not have a significant impact on the surrounding road network and would provide an appropriate provision of parking.

Refuse

Refuse storage will be provided at ground floor level within two internal bin store areas. On collection day the bins would be taken to a holding area by the Management Company for collection. The Management Company would return the bins to stores following collection. There is adequate space for bins and recycling and the location of the waste collection points accords with current standards in relation to access by the refuse vehicle and pulling distances by waste operatives. There are no outstanding concerns about the size and location of the waste collection points proposed. Implementation of the refuse arrangements should be secured by condition.

Impact on neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The site is immediately surrounded by a range of non-residential uses although there are residential dwellings located on the opposite side of Homefield Rise. Given the fact that the application site is separated from those dwellings on Homefield Rise by a busy vehicular route and a distance of 23m would be retained between the new building and those dwellings, it is not considered that the proposal would result in a level of harm to the residential amenity for those properties which would warrant refusal of this application. Sufficient separation will be provided to prevent an unacceptable level of overlooking or loss of privacy and the submitted daylight/sunlight report demonstrates that the proposal would not give rise to an unacceptable loss of light.

Whilst there may be some potential for overlooking onto adjoining uses it is important to note that the adjoining buildings are not in residential use. Whilst some level of overlooking may occur it is not considered that the level of harm that would arise is significant enough to warrant refusal of this application. It is important to note that non-residential uses are not afforded the same level of protection as residential occupiers when comes to amenity. Concerns have been raised with respect to the potential overlooking of under 16's using Bromley College. Whilst these concerns have been duly considered Officers are of the view that it would be unreasonable for this application to be refused on those grounds and that this point would be difficult to sustain at appeal. Concerns have also been raised with respect to the level of privacy that would be afforded to the occupiers of the new units as a result of the relationship with existing neighbouring uses. In town centre locations there are often instances of mutual overlooking and occupiers of residential buildings cannot expect the same level of privacy as that within a predominantly residential location. Any future occupier of the development will need to balance the benefits of living in a town centre location against the consequential effects that this has in terms of privacy both within the flats and when using the balconies. However, it is considered that the design of the scheme is such that a good standard of accommodation will be provided for future occupiers.

Given the siting and scale of proposed buildings in relation to the existing surrounding development it is not considered that the proposal would give rise to an unacceptable level of overshadowing or loss of light so as to warrant refusal of this application. Furthermore taking account of the non-residential nature of adjacent uses the proposal would not be overbearing or give rise to harm by way of loss of outlook.

It is recognised that during construction of the development there could be a significant amount of noise and disturbance from construction related activity including vehicular traffic. Construction related noise and activity cannot be avoided when implementing a development of this nature and scale. This is a relatively short term impact that can be managed as much as practically possible through measures such as a Construction Logistics Plan (CLP), dust prevention measures and control of construction hours. In order to limit construction related disturbance to the users of the adjacent Bromley College and wider town centre, relevant conditions are recommended. On balance subject to conditions to control the aforementioned issues it is not considered appropriate or reasonable to raise an objection to the proposal on the grounds of arising from construction related activity.

Concerns regarding traffic impact and parking issues that may arise in nearby streets that benefit from uncontrolled parking have been considered and discussed above. In order to address a potential problem arising in the future the applicant has agreed to a financial contribution that could be used for the implementation of parking controls should the need arise. Occupiers of this development would not be eligible for parking permits should additional controls be introduced.

The concerns raised by third parties have been duly considered in the balanced assessment of this application. In conclusion for the reasons set out above the proposal is not considered to have a significant adverse impact upon neighbouring amenity.

Sustainability and Energy

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. For major development proposals there are a number of London Plan requirements in respect of energy assessments, reduction of carbon emissions, sustainable design and construction, decentralised and renewable energy. Major developments are expected to prepare an energy strategy based upon the Mayors energy hierarchy adopting lean, clean, green principles.

An energy strategy was submitted which confirms that all new dwellings would meet CfSH Rating 4, the commercial uses would meet BREEAM Excellent and a CHP and PVs would be incorporated to help meet London Plan CO2 reductions. As a result of achieving Level 4 under the CfSH sustainability assessment the proposal will address sustainability principles in terms of use of energy and water, construction techniques and building materials, waste, pollution and health and

well-being. It is appropriate to secure compliance with CfSH and BREEAM by condition and to secure the implementation of the CHP as part of the energy strategy.

Sustainable Urban Drainage Systems

Policy 5.13 of the London Plan requires development to utilise SUDS, unless there are practical reasons for not doing so though supporting text to the policy also recognises the contribution 'green' roofs can make to SUDS. The hierarchy within that policy is for a preference for developments to store water for later use.

This application includes the provision of living roofs both in the form of sedum based green roofs (380 sqm) and biodiverse green roofs (314 sqm). The provision of green roofs on the 2nd, 5th, 6th, 7th, 8th and upper roof levels of the building will make a significant positive contribution to the scheme in terms of SUDs, ecological benefits and visual amenity. The provision of the living roof below the photo-voltaic panels will also optimise the efficiency of the PVs bringing additional sustainability benefits to the development. Given the significant benefits that will arise from this feature it is appropriate secure delivery of a minimum of 695 sqm of green roofs via a condition.

The surface water strategy for the site considers the use of soakaways but if this is not possible due to piling techniques discharge to the sewer system. The report concludes that a detailed strategy will need to be worked up in consultation with Thames Water. This can be adequately controlled by condition.

Other Considerations

Flooding, archaeology, air quality, wind assessment and land contamination has been addressed by way of submission of technical reports which have been scrutinised by relevant consultees. Appropriate conditions are recommended in most respects.

The Council's Air Quality Officer raised a request for the impact of the development to be mitigated through a s106 contribution. However, as discussed throughout this report there are a number of competing demands arising from this development. The key priorities are considered to be delivery of the medical facility, public realm improvements, education and highways contributions. Such mitigation has an implication on the viability of the scheme and it has been demonstrated that the development could not viably support additional s106 contributions. A balance must be sought between the completing demands of a scheme, mitigation and wider public benefit. In this instance the proposal cannot support a contribution towards air quality mitigation. However, relevant conditions have been recommended.

Planning Obligations

The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where

it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NFFP also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development

Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis. From 5th April 2015, the Council will need to link Education, Health and similar proposals to specific projects in the Borough.

In this instance in order to make the development acceptable in planning terms the following obligations are considered to be necessary:-

- Measures to secure the delivery and retention of the proposed medical facility as part of the mixed use redevelopment. Appropriate measures will include a cap on the rent level paid by the NHS to Berkeley's, control of the level of fit out of the facility at the point in time at which the facility is handed over to the NHS and an appropriate trigger for completion of the medical facility so that it can be handed over to the NHS. Confidential Agreed Lease Terms between the NHS and Berkeley's have been provided.
- Contributions towards Education (£160,491), Health (£80,671) and Public Realm (£326,050)
- A financial contribution towards the implementation of a CPZ (£12,000)
- A financial contribution of £2000 towards amending the parking bays adjacent to the site
- To enter into a car club contract enabling all residents (first occupiers) to a period of 2 years free membership and £75 driving credit
- A clause to prevent future occupiers being able to obtain parking permits for existing and future CPZ in the vicinity of the site
- Reimbursement of the Councils legal costs associated with the drafting, finalising and monitoring the agreement.

The applicant has agreed to enter into a s106 agreement to secure the above obligations.

Environmental Impact Assessment

This site falls below the 0.5 hectare threshold triggering Schedule 2 development within the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. Consequently a formal Screening Opinion was not required. However, Officers have had regard to the environmental effects of the development and do not consider that significant effects giving rise to the need for a formal EIA would be required. The effects of the development have been fully addressed in the technical reports submitted with this application.

Summary

The proposed development of the site raises issues associated with the re-provision of a community facility and the acceptability of the mixed use development in terms of its nature and scale, impact on the local environment and surrounding uses. This report has considered those matters in the light of adopted and emerging development plan policies and other material considerations including third party representations. As discussed in this report the redevelopment of this site in the nature proposed is considered to make a positive contribution to this part of the borough in terms of providing a much needed medical facility, additional housing and public realm benefits to the town centre.

Officers consider that, with the recommended mitigation, planning conditions and obligations in place the proposal represents an appropriate form of development that would not give rise to unacceptable harm to amenity and save for affordable housing provision would largely meet development plan policy requirements.

Background papers referred to during the production of this report comprise all correspondence on file ref. 14/03316, excluding exempt information.

RECOMMENDATION: PERMISSION SUBJECT TO COMPLETION OF A SATISFACTORY LEGAL AGREEMENT

and the following conditions:

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

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

- 2 Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) the non-residential unit occupying the ground and first floor and identified as a wellbeing centre in the plans hereby approved shall only be used for a purposes as described within the application, such activates falling within Use Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987. Any other use of this part of the building including other uses falling within a D1 Use Class shall be subject to planning permission first being obtained.

Reason: In accordance with the development as applied for and to ensure that a medical facility (wellbeing centre) is provided on site in the interests of protecting community facilities in accordance with Policy C1 of the UDP.

- 3 Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) the non-residential unit occupying the ground floor and identified as retail unit in the plans hereby approved shall only be used for a purpose falling within Use Class A1 or A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987. Any other use of this part of the building shall be subject to planning permission first being obtained.

Reason: In accordance with the development as applied for and to enable the local planning authority to control the use of this part of the building in the interest of protecting amenity in accordance with Policy BE1 of the UDP.

4 Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) the 83 residential units occupying floors 2-9 in the plans hereby approved shall only be used for a purpose falling within Use Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987. Any other use of this part of the building shall be subject to planning permission first being obtained.

Reason: In accordance with the development as applied for and to enable the local planning authority to control the use of this part of the building in the interest of protecting amenity in accordance with Policy BE1 of the UDP.

5 The development hereby approved shall be carried out strictly in accordance with the application plans, drawings and documents as detailed below:

CgMs Archaeological Desk Based Assessment; URS Transport Assessment; URS Residential Travel Plan; URS Workplace Travel Plan; Whitecode Design Associates Energy Strategy Overview; Entran Air Quality Assessment; Entran Pedestrian Wind Assessment; Blyth & Blyth Statement on Flood Risk and Proposed Drainage Strategy; DHA Statement of Community Involvement; Berkeley Construction Environmental Management Plan Received 26 August 2014

DHA Planning Statement; EPR Design and Access Statement; Drawing Nos. 10072-AR-EPR-00-00-TP0101 Rev 2; 10072-A-EPR-00-00-GA0409 Rev 2; 10072-AR-EPR-z-XX-GA0410 Rev 2; GA0411 Rev 2; GA0412 Rev 2; GA0413 Rev 1; GA0414 Rev 2; 10072-A-EPR-XX-00-GA0408 Rev 1; 10072-A-EPR-00-AA-GA0501 Rev 2; 10072-A-EPR-00-XX-GA0503 Rev 2 Received 12 September 2014;

Drawing No. 10072-AR-EPR-XX-XX-GA0420 Rev 1 Received 17 September 2014

RSK Geo-environmental Site Assessment; URS Technical Response to London Borough of Bromley - Highways Document; Entran Noise Assessment; Cass Allen Acoustic Façade Design Details Received 03 November 2014

Bromley Clinical Commissioning Group: Operational management Document; Goddard Manton Architects: Lifetime Homes Standards; Goddard Manton Architects: Refuse Strategy; EPR Architects Area Schedule; City Car Club Details; The Ecology Consultancy: Green Roof Proposals and Drawing Nos. 10072-AR-EPR-XX-00-GA0200A Rev 5; 10072-AR-EPR-XX-00-GA9500 Rev 2; GA2701 Rev 4; 10072-AR-EPR-00-SO-GA4104 Rev 4; 10072-AR-EPR-00-NO-GA4101 Rev 4; 10072-AR-EPR-00-WE-GA0404 Rev 4 and 10072-AR-EPR-00-EA-GA0401 Rev 4 Received 18 December 2014

Godard Manton Architects: South East London Housing partnership Wheelchair Homes Design Guidance; Drawing Nos. 100072-AR-EPR-00-WE-GA4102 Rev 5; EA-GA4103 Rev 5; NO-GA0402 Rev 5; EPR-00-SO-GA0403 Rev 5; 10072-AR-EPR-00-00-GA01997 Rev 7; GA0200 Rev 6; GA0201 Rev 6; GA0202 Rev 6; GA0203 Rev 6; GA0204 Rev 6; GA0205 Rev 6; GA0206 Rev 6; GA0207 Rev 6; GA0208 Rev 6; GA0209 Rev 6; 0210 Rev P4 Received 23 February 2015.

Anstey Homes Revised Daylight & Sunlight Report Received 03 March 2015

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority when judged against development plan policies in the London Plan 2011 and UDP 2006.

6 No development shall commence on site until such time as a Construction Environmental Management Plan incorporating Traffic Construction Logistics and Site Waste Management has been submitted to and approved in writing by the local planning authority. The plan shall be shall cover:-

- Full details of arrangements for the management and disposal of construction material and waste
- Dust mitigation/management measures
- The location and operation of plant and wheel washing facilities
- Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- Details of construction traffic movements including cumulative impacts which shall demonstrate the following:
 - o Rationalise travel and traffic routes to and from the site.
 - o Provide full details of the number and time of construction vehicle trips to the site including the route for heavy goods vehicles, with the intention and aim of reducing the impact of construction relates activity.
 - o Measures to deal with safe pedestrian movement.
 - o Use of oil interceptors in trafficked areas so that there would be no discharge to ground via infiltration.
 - o Security Management (to minimise risks to unauthorised personnel).
 - o Details of the training of site operatives to follow the Construction Environmental Management Plan requirements and including Construction Logistics and Site Waste Management.
 - o Details of methods to liaise with the public and neighbouring sites, including procedures for receiving and responding to complaints
 - o Protocols for reviewing and monitoring the CEMP including timeframes for meetings and environmental audits.

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to ensure satisfactory vehicle management in accordance with Policies BE1 T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan.

- 7 (i) No Development shall commence until an Impact Study of the existing water supply infrastructure has been submitted to, and approved in writing by the local planning. The study should determine the magnitude of any new additional capacity required in the system and a suitable connection point.
(ii) The development shall be implemented in full accordance with the details approved under part (i)

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand that may be generated by the proposal in accordance with Policy 5.14 of the London Plan.

- 8 (i) No development shall commence until a surface water drainage scheme for the site based on sustainable drainage principles, where possible has been submitted to, and approved by, the Local Planning Authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off rates in line with the Preferred Standard of the Mayor's London Plan.
(ii) The approved scheme shall be implemented in full accordance with the details before any part of the development hereby permitted is first occupied and shall be permanently retained thereafter

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.14 of the London Plan.

- 9 (i) No development shall commence until details (including phasing) have been submitted to and approved by the Local Planning Authority setting out how the developer intends to ensure the water abstraction source is not detrimentally affected by the proposed development both during and after its construction.
(ii) The approved scheme shall be implemented in full accordance with the details and shall be permanently retained thereafter

Reason: The proposed development is located within Source Protection Zone 2 of a groundwater abstraction source. These zones are used for potable water sources for public supply for which Thames Water has a statutory duty to protect. Consequently it is necessary to ensure that the water resource is not detrimentally affected by the development in accordance with Policy 5.14 of the UDP.

- 10 No part of the development hereby permitted shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to and approved in writing by the Local Planning Authority.

- a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval in writing. The desk study shall detail the history of the sites uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved in writing by the Local Planning Authority prior to investigations commencing on site.
- b) The site investigation, including relevant soil, soil gas, surface water and groundwater sampling shall be approved in writing by the Local Planning Authority.
- c) A site investigation report detailing all investigative works and

sampling on site, together with the results of analysis, risk assessment to any receptors, a proposed remediation strategy and a quality assurance scheme regarding implementation of remedial works, and no remediation works shall commence on site prior to approval of these matters in writing by the Authority. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment.

- d) The approved remediation works shall be carried out in full on site in accordance with the approved quality assurance scheme to demonstrate compliance with the proposed methodology and best practise guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.
- e) Upon completion of the works, a closure report shall be submitted to and approved in writing by the Authority. The closure report shall include details of the remediation works carried out, (including of waste materials removed from the site), the quality assurance certificates and details of post-remediation sampling.
- f) The contaminated land assessment, site investigation (including report), remediation works and closure report shall all be carried out by contractor(s) approved in writing by the Local Planning Authority.

Reason: In order to comply with Policy ER7 of the Unitary Development Plan and to prevent harm to human health and pollution of the environment.

- 11 (i) Prior to commencement of Development a road safety audit on the access and works to the highway in front of the site shall be submitted to and approved in writing by the local planning authority.
- (ii) Prior to occupation of the Development a road safety audit on the access and works to the highway in front of the site shall be submitted to and approved in writing by the local planning authority.
- (iii) The development shall be implemented in full accordance with the details approved under parts (i) and (ii)

Reason: In the interests of road safety and in accordance with Policy TR18 of the UDP.

- 12 (i) The commercial units hereby approved shall achieve a minimum BREEAM Rating of 'Excellent' as set out in the Applicants Energy Strategy hereby approved.
- (ii) No development shall commence until a Design Stage Certificate for each commercial unit (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (i).
- (iii) Within 3 months of occupation of any of the commercial units, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (i) for that specific unit.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2011).

- 13 (i) The residential buildings hereby approved shall achieve a minimum Code for Sustainable Homes Rating Level 4.
(ii) No development shall commence until a Design Stage Certificate for each residential unit (prepared by a Code for Sustainable Homes qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (i).
(iii) Within 3 months of occupation of any of the residential units, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Code for Sustainable Homes qualified Assessor) to demonstrate full compliance with part (i) for that specific unit.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2011).

- 14 (i) Prior to commencement of above ground works details of the proposed heat networks and Combined Heat and Power (CHP) system set out in the applicant's Energy Statement hereby approved shall be submitted to and approved in writing by the local planning authority.
(ii) The details shall include the commissioning of the networks and CHP system and details of the catalytic converter if required.
(iii) The networks and systems shall be provided in accordance with the approved details and maintained thereafter.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.5 Decentralised energy networks and 5.7 Renewable energy in the London Plan (2011)

- 15 (i) Prior to commencement of above ground construction an assessment of the effect on local air quality as a result of the heating system provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority.
(ii) The objective of the assessment submitted under (i) shall be to demonstrate that the design of the heating system is such that omissions of nitrogen dioxide shall not have a significant detrimental impact on existing air quality.
(iii) The heating system shall be implemented in full accordance with the details approved under (i) and (ii) prior to occupation of any part of the development hereby approved and retained thereafter.

Reason: To minimise the effect of the development on local air quality within an Air Quality Management Area in line with NPPF p124 and Policy 7.14 of the London Plan.

- 16 (i) Prior to commencement of above ground works a detailed schedule and samples of all external materials and finishes, windows and external doors to be used on the buildings and hard surfacing materials to be used as part of the landscape strategy (in accordance with the principles set out in the Design and Access Statement and plans hereby approved) shall be submitted to and approved in writing by the local planning authority.

(ii) The development shall be carried out in strict accordance with the approved details

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

17 (i) No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.

(ii) Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure which is protected in accordance with Policy 5.14 of the London Plan.

18 Prior to first occupation of any residential unit the basement parking spaces hereby approved shall be completed in accordance with the approved details and thereafter shall be kept available at all times for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

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

19 The arrangements for storage of refuse and recyclable materials including the collection arrangements shown on the drawings and refuse strategy hereby approved shall be implemented before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

20 Before any part of the development hereby approved is first occupied, bicycle parking shall be provided at the site in accordance with details hereby approved and shall be permanently retained thereafter.

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

21 (i) Before any part of the development hereby approved is first occupied details of a system of traffic light control to regulate traffic using the ramp shall be submitted to and agreed in writing by the local planning authority.

(ii) The development shall be implemented in full accordance with the details approved under part (i) prior to first occupation of the building and permanently maintained thereafter.

Reason: In the interest of road safety and in accordance with Policy TR18 of the Unitary Development Plan.

22 (i) The development shall be constructed with a minimum of 695 sqm living roofs laid out in accordance with the plans hereby approved and maintained thereafter.

(ii) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

(iii) Evidence that the roofs have been installed in accordance with (i) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2011).

23 (i) For any commercial unit intended to be operated as an A3 Use, detailed plans and a specification of the appearance of and the equipment comprising a ventilation system which shall include measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencer(s) and anti-vibration mountings where necessary) shall be submitted to and approved in writing by the local planning authority.

(ii) The ventilation system shall be installed in accordance with the approved plans and specification before any A3 use first commences and shall thereafter be permanently maintained in accordance with the approved specification.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Policy BE1 in the Unitary Development Plan.

24 (i) Prior to first occupation of the development hereby approved a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.

(ii) Any such external lighting as approved under part (i) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.

(iii) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

Reason: In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with Policy BE1 of the UDP.

25 (i) The development hereby approved shall not be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.

(ii) The plan shall include details of the expected number and time of delivery and servicing trips to the site for all commercial uses, with the aim of reducing the impact of servicing activity.

(iii) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

Reason: In order to ensure satisfactory vehicle management and to comply with Policy T15 of the UDP.

26 (i) Prior to first occupation of any residential unit, a Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

(ii) Prior to the medical facility hereby approved being bought into use a Commercial Travel Plan shall be submitted to and approved in writing by the Local Planning Authority

(iii) Both Plans should include measures to promote and encourage the use of alternative modes of transport to the car and shall also include a timetable for the implementation of the proposed measures and details of the mechanisms for implementation and for annual monitoring and updating. The Travel Plans shall be implemented in accordance with the agreed timescale and details.

Reason: In order to ensure appropriate management of transport implications of the development and to accord with Policy T2 of the Unitary Development Plan.

27 The development shall be implemented in full accordance with the energy strategy assessment hereby approved which includes the provision of 38.11% CO2 emissions savings, use of a CHP and Solar PV Panels to achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation.

Reason: In order to seek to achieve compliance with the Mayor of London's Energy Strategy and to comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2011).

28 The development hereby permitted shall be carried out strictly in accordance with the slab levels shown on the approved drawing(s).

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

29 Each of the dwellings shall meet Lifetime Home Standards in accordance with the plans and details hereby approved.

Reason: In order to ensure an adequate supply of accessible housing in the Borough in accordance with Policy BE1 of the UDP.

30 Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on the street facing elevations or the roof of the building.

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy BE1 in the Unitary Development Plan.

31 Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the external elevations of the buildings hereby approved.

Reason: It is considered that such plumbing or pipes would seriously detract from the appearance of the building(s) and to comply with Policy BE1 in the Unitary Development Plan.

32 No deliveries in connection with construction works shall be taken at or despatched from the site and no construction work shall take place other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

33 Any non-residential use within the site shall not be open to the public other than between the hours of 8 am and 11 pm on any day of the week.

Reason: To ensure that the development does not prejudice the enjoyment by neighbouring occupiers of their properties and to comply with Policy BE1 in the Unitary Development Plan.

34 No deliveries shall be made to any commercial use within the site other than between the hours of 8 am and 11 pm on Mondays to Fridays, 8 am to 7 pm on Saturdays and 8 am to 5 pm on Sundays and Bank Holidays.

Reason: To ensure that the development does not prejudice the enjoyment by neighbouring occupiers of their properties and to comply with Policy BE1 in the Unitary Development Plan.

35 While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

Reason: In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan.

INFORMATIVE(S)

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

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

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

2 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable

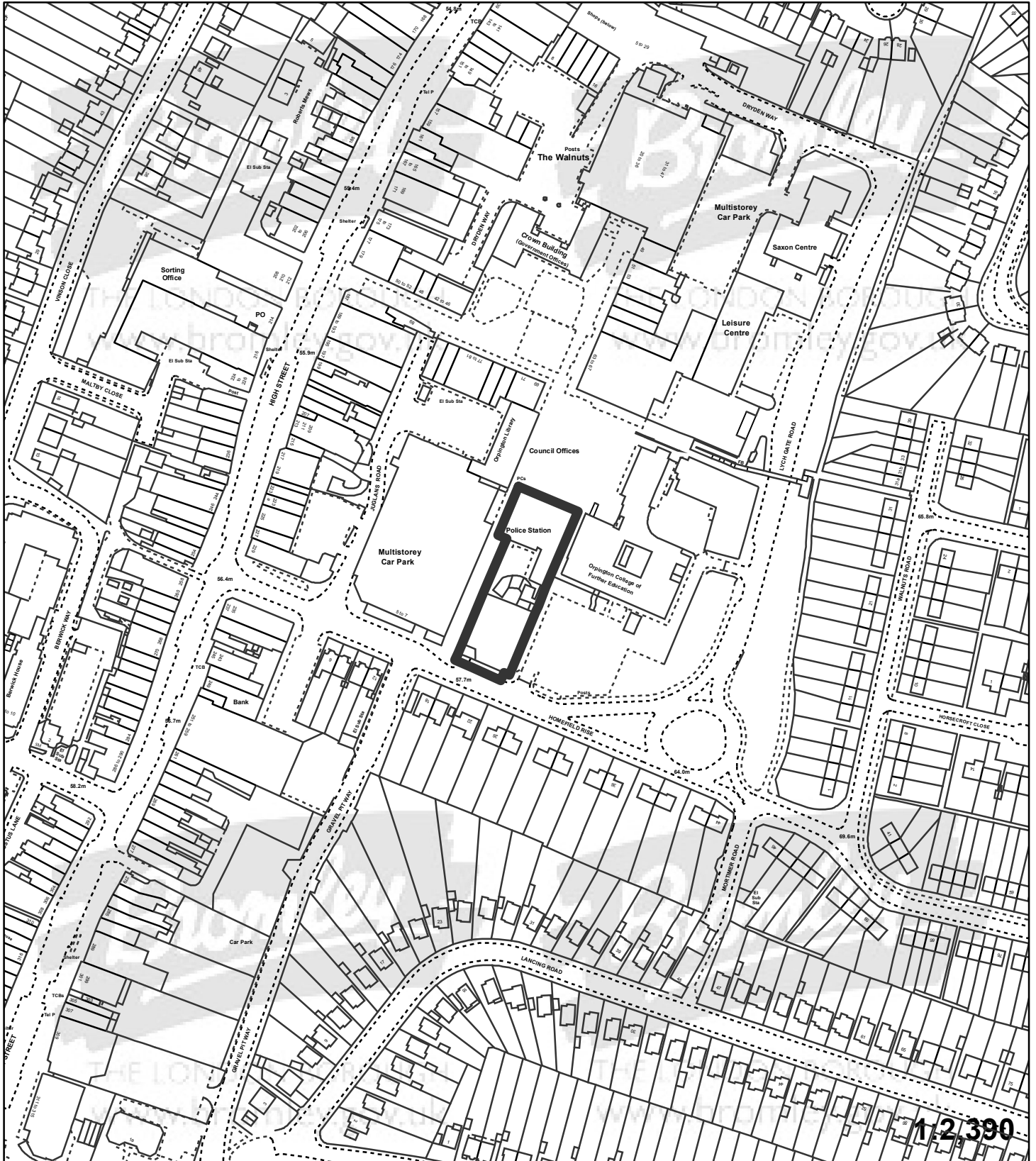
sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined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

- 3 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 4 You should consult the Land Charges and Street Naming/Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: address.management@bromley.gov.uk regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at www.bromley.gov.uk

Application:14/03316/FULL1

Address: Orpington Police Station The Walnuts Orpington BR6 0TW

Proposal: Demolition of existing buildings and erection of part 4 rising to part 9 storey building for use as a health and wellbeing centre on the ground and first floors plus a retail (Class A1/A3) unit on the ground floor together with 34 x 1 bedroom flats and 49 x 2 bedroom flats (total 83 flats)



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

Report No.
DRR15/009

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **Development Control Committee Executive**

Date: **24th March 2015**
June 2015

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

Title: **Supplementary Planning Document (SPD) on Planning Obligations: Addendum on Changes to Pooling s106 Contributions and s106 Threshold changes.**

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

Chief Officer: Jim Kehoe, Chief Planner

Ward: N/A

1. Reason for report

This report seeks Members agreement to an addendum to the Council's existing Supplementary Planning Document Planning Obligations (2010) to reflect changes introduced by the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) which come into effect from 6th April 2015. The report advises Members that changes to the pooling of s106 planning contributions (Town and Country Planning Act 1990) of more than five contributions from separate permissions for an item of infrastructure, come into effect Nationally from 6th April 2015. The report proposes the Council's approach to ensure that contributions for necessary infrastructure to support development continues to be sought from developers in line with the Development Plan.

2. **RECOMMENDATION(S)**

Development Control Committee

- 2.1 Endorse the addendum to the Council's adopted SPD Planning Obligations (2010) updating references to threshold, and the pooling of s106s as required by the CIL Regulation 2010 , and recommend Executive agree the addendum at Appendix 1 to this report.
- 2.2 Note the changes set out in the report that are due to come into effect on 6th April 2015 as a result of the CIL Regulation 2010.

Executive

- 2.3 Agrees the addendum at Appendix 1 updating references to pooling and threshold changes.

Corporate Policy

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

Financial

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

Staff

1. Number of staff (current and additional): 11
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Community Infrastructure Levy Regulation 2010 as amended
 2. Call-in: Not Applicable:
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

- 3.1 The Council adopted its Supplementary Planning Document Planning Obligations in 2010 setting out the requirements and process for S106 agreements under the Town & Country Planning Act 1990 to secure planning obligations.
- 3.2 The Community Infrastructure Levy Regulations came into effect in April 2010. For a planning obligation to be taken into account in determining a planning application for a development, it must meet the three tests set out in Regulation 122 :-
- Necessary to make the proposed development acceptable in planning terms;
 - Directly related to the proposed development;
 - Fairly and reasonably related in scale
- 3.3 However, from 6th April 2015, Regulation 123 will ensure that the use of s106 and CIL do not overlap. As an interim arrangement until a local CIL is in place the Council will need to seek specific financial contributions from developers (e.g. '£x for the provision of a new classroom at y primary school or in the 'z' ward), rather than the historic/generic approach of seeking general contributions (e.g. '£x for education provision') and ensure only a maximum of five contributions are spent for such a specific item of infrastructure. The challenge provided by this new approach is to ensure the Council is up to date with the infrastructure needed, where and when, at any point in time, so that timely (and lawful) s106 agreements can be made and implemented.
- 3.4 In those cases where Affordable Housing Policy has not been met due to financial viability, and subsequently there have been difficulties in the implementation of a specific project, the Council will consider whether the sum should be used instead for Affordable Housing.
- 3.5 The interim arrangement is expected to last until mid-2016. Meanwhile, the process for developing a CIL for the Borough is underway and is co-dependent on, the robustness of evidence for infrastructure required for growth and delivery of the Local Plan, being found sound at the Examination in Public, before adoption.
- 3.6 For provision that is not capable of being funded by the levy, such as affordable housing, local planning authorities are not restricted in terms of the numbers of obligations that may be pooled, but they must have regard to the wider policies on planning obligations set out in the National Planning Policy Framework (NPPF).
- 3.7 Specific projects will normally be selected from projects approved by the Council (e.g. through a Capital Programme) in consultation with relevant services or partner organisations.
- 3.8 In addition to the CIL regulations changes, a Ministerial Statement was issued on the 28th November 2014 (and then the National Planning Policy Guidance (NPPG) was subsequently amended) with regard to planning contributions and the threshold at which affordable housing can be required. Therefore from this date the Council will ask for affordable housing contributions on schemes of eleven units or more, not the 10 units as described in Policy H2. The existing policy criteria of 0.4 of a hectare still stands if the floor area of the residential development proposed is more than 1000 square metres.

Changes to adopted SPD on Planning Obligations

- 3.9 The Adopted Planning Obligations SPD sets out and explanation and provides non-statutory guidance on the Council's general approach to planning obligations, and where possible the requirements, and mechanisms for infrastructure contributions.

3.10 Consequently in light of the changes to CIL Regulation rules from April, that effect pooled s106, and the recent threshold changes, an addendum is required to go alongside the Council's adopted SPD on Planning Obligations. This should be taken into consideration in the determination of relevant planning applications.

3.11 Appendix 1 to this report comprises the proposed addendum.

4. POLICY IMPLICATIONS

4.1 The addendum attached as Appendix 1 to this report will be taken into consideration in the development of forthcoming policy documents including the Local Plan, any replacement SPD and the assessment of relevant planning applications.

5. FINANCIAL IMPLICATIONS

5.1 Regulation 123 will ensure that the use of S106 and CIL monies do not overlap. The Regulation will, in effect, restrict the scale of contributions to five per infrastructure type.

5.2 When CIL is introduced, Officers will ensure that the Council has an up to date infrastructure plan in place and that the specific projects listed as Regulation 123 projects, are not funded from S106 contributions.

5.3 As mentioned above, the introduction of this Regulation does not affect S278 contributions nor affordable housing contributions.

6. LEGAL IMPLICATIONS

6.1 The implication of the introduction of pooling restrictions of Section 106 contributions is addressed in the report. .

Non-Applicable Sections:	Personnel
Background Documents: (Access via Contact Officer)	National Planning Policy Framework (March 2012) Adopted Supplementary Planning Document Planning Obligations (December 2010) Community Infrastructure Levy Regulation 2010 as amended 2014

ADDENDUM (March 2015) TO COUNCIL'S:**ADOPTED SUPPLEMENTARY PLANNING DOCUMENT PLANNING OBLIGATIONS (2010)****Chapter 1 Introduction – Legislation, and National, Regional, and Local Policy guidance**

Amend

Page 4, paragraph 1.8, 2nd paragraph delete “has affect from 6 April 2014” and insert “has effect from 6 April 2015”

Chapter 2 General Principles**Thresholds**

Page 8, insert new para 2.3A

2.3A A Ministerial Statement was issued on the 28th November 2014 (and then the National Planning Policy Guidance (NPPG) was subsequently amended) with regard to planning contributions and the threshold at which affordable housing can be required. Therefore from this date the Council will ask for affordable housing contributions on schemes of eleven units or more, not the 10 units as described in Policy H2. The existing policy criteria of 0.4 of a hectare still stands if the floor area of the residential development proposed is more than 1000 square metres.

Pooled Contributions

Page 10, delete Paragraphs 2.10, 2.11 and 2.12

~~2.10 Circular 05/2005 advises that pooling of contributions can take place both *between developments and between local authorities where there is a cross-authority impact*. The Council has already set up a capital fund known as the Town Centre Improvement Fund to hold relevant s.106 contributions which directly refer to town centre environments or local economy matters that could, subject to Member agreement, be reinvested as appropriate in the Borough's larger town centres towards identified projects once any improvement plans have been approved.~~

~~2.11 When any such contributions are requested, the Council would set out in advance any need for joint supporting infrastructure (for specific requirements of the Bromley Town Centre developers should refer to the Bromley Town Centre Area Action Plan). There would be a clear audit trail between the contribution made and the infrastructure provided and the Council would account to the developer for the initiatives on which the contributions are spent. Any unspent balance, together with interest, would be returned to the developer.~~

~~2.12 Pooled contributions can also be sought from developments which are permitted after the infrastructure has been provided where the policy tests are met and the need for the infrastructure and proportionate contributions to be sought is set out in advance (Circular 05/2005 Para 23 refers).~~

And insert new paras 2.10, 2.11 and 2.12:

2.10 CIL regulation¹ states that when the levy is introduced (and nationally from April 2015), the regulations restrict the use of pooled contributions towards items that may be funded via the levy.. As an interim arrangement until a local CIL is in place the Council will need to seek specific financial contributions from developers (e.g. '£x for the provision of a new classroom at y primary school or in

¹Community Infrastructure Levy (Amendment) Regulations 2014

the 'z' ward), ensuring only a maximum of five contributions are spent for such a specific item of infrastructure.

- 2.11 Contributions for Affordable Housing and also highway works that are secured through section 278 of the Highways Act 1980, are not subject to the pooling restriction from April 2015.
- 2.12 In those cases where Affordable Housing Policy has not been met due to financial viability, and subsequently there have been difficulties in the implementation of a specific project, the Council will consider whether the sum should be used instead for Affordable Housing.

APPENDIX 1

Table 'Summary of Planning Obligations and Costs'

Affordable Housing -Threshold column

Delete 'Sites capable of providing 10 units or more or 0.4ha or more in size' and insert 'developments of 11 residential units or more and 0.4 ha or more where the residential floorspace is more than 1000 sqm'.

DRR15/025

London Borough of Bromley

PART 1

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Tuesday 24th March 2015

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

Title: LB BROMLEY LOCAL INTERMEDIATE HOUSING INCOME THRESHOLD REVIEW

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

Chief Officer: Jim Kehoe, Chief Planner

Ward: (All Wards);

1. Reason for report

This report seeks Members agreement to amend the income threshold for intermediate housing to reflect the changes primarily in housing prices to ensure the housing is accessible to local residents. The Council's current local intermediate housing income threshold figure of £35,000 does not adequately reflect local house prices and incomes. The Council's Supplementary Planning Documents on Affordable Housing and Planning Obligations specify that the figure will be reviewed regularly. This is further supported by recent requests for deeds of variations to S106 agreements to adjust the threshold to allow intermediate units to be more accessible to households on slightly higher incomes.

2. **RECOMMENDATION(S)**

(i) **Agree reviewed local upper limit intermediate housing income thresholds for 1, 2 and 3 bedroom units as follows:**

1 bedroom units	£38,800
2 bedroom units	£50,500
3 bedroom units	£62,500

GLA upper limit applies to 4 bedroom units+

Corporate Policy

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

Financial

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

Staff

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

Legal

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

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

Background

- 3.1 It is considered that there is a need to review the Council's local intermediate housing income threshold figure of £35,000 to ensure current local house prices and incomes are adequately reflected. The Council's Supplementary Planning Documents on Affordable Housing and Planning Obligations specify that the figure will be reviewed regularly. This is further supported by recent requests for deeds of variations to S106 agreements to adjust the threshold to allow intermediate units to be more accessible to households on slightly higher incomes.
- 3.2 Some initial work was undertaken in September 2014 by the Council's Planning Policy and Housing Teams to ascertain whether the cap should be raised and to what extent. Initial findings showed that the eligibility criteria could be increased to £45,000 but ongoing work highlighted that setting thresholds for different sized dwellings would be advantageous and reflect differences in prices of the units.
- 3.4 A deed of variation for DC/11/02100/FULL1 High Street Beckenham was considered and agreed by Development Control Committee in February 2015 to make reference to an income threshold of £45,000.

4.0 Policy Context

National Planning Policy Framework (March 2012) (NPPF)

- 4.1 To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

"Where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time" (paragraph 50, bullet 3).

The London Plan (The Spatial Development Strategy for London consolidated with changes since 2011)

- 4.2 The definition of affordable housing within Policy 3.10 states that affordable housing is social-rented, affordable rented and intermediate housing provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Paragraph 3.61 specifies that intermediate housing should meet the criteria outlined in Policy 3.10 and be homes available for sale or rent at a cost above social rent but below market levels. These can include shared equity other low cost homes for sale and intermediate rent, but not affordable rent. Households whose annual income is in the range of £18,100 - £66,000 should be eligible for new intermediate homes. For homes with more than two bedrooms, which are particularly suitable for families, the upper end of this eligibility range will be extended to £80,000. These figures will be updated annually in the London Plan Annual Monitoring Report.
- 4.3 Paragraph 3.62 specifies that eligibility criteria for intermediate housing may be set locally to recognise the individual characteristics of local housing markets but should not compromise Policy 3.11 to maximise affordable housing provision. If boroughs wish to set eligibility criteria below the levels set out above planning conditions or agreements should secure them at the reduced levels for no more than three months from the point of initial marketing (whether that be when new or at re-sale or re-let) and they should then be offered without further restrictions to those who meet the London-wide eligibility criteria as set out in the London Housing Strategy.
- 4.4 The latest update set out in the GLA 2014 London Plan Annual Monitoring Report (LPAMR) sets the upper threshold at £66,000 and for homes with more than two bedrooms £80,000. For information paragraph 3.33 of the LPAMR specifies that for criterion A of Policy 3.10 that provision is affordable to be met, the purchase price must be no greater than 3.5 times the household income limit specified or (for products where a rent is paid) the annual housing costs, including rent and service charge, should be no greater than 40% of net household income.

- 4.5 Paragraph 3.62 of the LPAMR expands on the above specifying that increased provision of intermediate housing is one of the ways in which the supply of affordable housing can be expanded and qualifying prices and rents should be set locally to recognise the individual characteristics of local housing markets.

2015-18 GLA Housing Investment Programme

- 4.6 The Council has agreed with the GLA for the inclusion of the following clause within its 2015-18 GLA Programme which refers to local affordability criteria and thus, will be applicable to any scheme within an RP GLA programme during this timescale:

“The borough will expect intermediate units to adhere to local affordability criteria set out within local planning guidance (currently under review). These criteria will cascade, pan London, to London Plan affordability levels after 6 months of exclusive marketing to Bromley residents. All homes must be marketed at least 9 months before completion.

The provider of the shared ownership units will be required to notify the Council’s Housing Needs team of the availability of units 4 weeks in advance of the exclusive Bromley marketing period and to provide detailed marketing literature that may be placed on the Council website”.

- 4.7 Any schemes included within the above Programme/Framework would need to adhere to the above clause. The clause would also need to be included within relevant S106 agreements.

Housing Supplementary Planning Guidance (November 2012)

- 4.8 Paragraph 4.2.7 makes reference to affordability thresholds highlighting that ranges are updated annually to reflect changes in lower quartile house prices.
- 4.9 Paragraph 4.2.10 specifies that local planning authorities should seek to ensure that intermediate provision is for households within the full range of incomes below the upper limit and provides a range of dwelling types in terms of a mix of unit sizes in light of priority attached to provision of affordable family accommodation. In ensuring intermediate products are properly accounted as affordable housing, boroughs should test the associated housing costs against comparable market products taking into account size, quality and location (para 4.2.12).

Unitary Development Plan (2006) and Affordable Housing (2008) and Planning Obligations (2010) Supplementary Planning Documents (SPDs)

- 4.10 Paragraph 4.19 of the Unitary Development Plan specifies that intermediate housing is sub-market housing available to people on moderate incomes who cannot afford to buy or rent housing generally available on the open market. This is presently defined as households on an income of less than £40,000 per annum (as at 2004), however this figure will be reviewed annually to reflect changes in income:house price ratios. Intermediate housing may take the form of shared ownership, low cost home ownership or sub market rented housing. Through the SPD process (2008) the figure of £40,000 was reviewed and amended to £35,000 per household.

5.0 Review of LB Bromley Local Intermediate Housing Affordability Threshold

- 5.1 Examples of schemes below illustrate that units have been acquired above and below the current eligibility threshold of £35,000 over the past year. Importantly though the size of deposits that have been made available have varied considerably too and three of the unit types listed below have been acquired by households in excess of £35,000 (possibly with large deposits).

Homesdale Road, Bromley (Moat Housing Completed February 2014)

Unit	Household income range	Average household income
1no one bed flat	£27,000 (deposit £29,005)	£27,000

6no two bed flats	£25,315 - £47,528 (deposit range £3,740 - £29,005)	£39,448 (average deposit - £12,236)
-------------------	---	--

Share range: 30% - 60%

The Ridge, St Mary Cray (Affinity Sutton based on 18 reservations (as at 1 September 2014))

Unit	Household income range	Average household income
5no one bed flats	£20,358 – £48,360 (deposit range £4,000 - £25,000)	£32,271 (average deposit £13,200)
11no two bed flat	£23,629 – £55,985 (deposit range £4,000 - £12,000)	£36,973 (average deposit £6,773)
2no three bed flats	£23,000 – £25,666 (deposit range £10,000 - £35,000)	£24,333 (average deposit - £22,500)

Share range: 35% - 60%

- 5.2 The above illustrates that a review of the current threshold of £35,000 is justified to ensure intermediate units are more accessible to households on higher incomes and to also reflect increases in local house prices.
- 5.3 To establish an upper limit gross income threshold for intermediate housing it is considered that finding the midpoint between social-rented unit capitalised values (SHMA 2014) and lower quartile house prices (SELHP April 2014) would be appropriate (see Table 1 below) to establish a value upon which to work out the income level.

	Social rented (SHMA 2014)		Lower quartile house prices (SELHP April 2014)	Midpoint between social rented capitalised values and lower quartile house prices
1 bed unit	<£106,900 capitalised value	<£600 monthly cost	£165,000	£135,950
2 bed unit	<£133,700 capitalised value	<£750 monthly cost	£220,000	£176,800
3 bed unit	<£142,600 capitalised value	<£800 monthly cost	£294,613	£218,606
4 bed unit	<£151,500 capitalised value	<£850 monthly cost	£430,000	£290,750

Table 1: Price thresholds used for the affordability calculation (SHMA 2014) and Lower quartile house prices (SELHP Market Trends Bulletin April 2014))

- 5.4 The mid-point values can then be divided by 3.5 to establish the gross income that would be needed to access the units (based on GLA advice that the purchase price must be no greater than 3.5 times the household income limit specified) or for products where a rent is paid the annual housing costs, including rent and service charge, should be no greater than 40% of net household income. The household income required to access the units is set out below:

- 1 bedroom £38,842 (40% net income = £906 / month)
- 2 bedroom £50,514 (40% net income = £1178/month)
- 3 bedroom £62,458 (40% net income = £1457/month)

- 5.5 It is considered that a range of upper limit income thresholds for 1, 2 and 3 bedroom units would be more suitable than setting an individual threshold overall. This approach ensures appropriate income levels can be set for different unit sizes in line with the ranges set out above. It is also in line with the GLA's approach that partly differentiates between different sized units. The GLA upper limit of £80,000 is considered applicable for 4+ bedroom units.
- 5.6 The table attached to this report in Appendix 1 illustrates that current share to buy units could be accessed on the suggested income ranges based on 40% net income being available for annual housing costs, including rent and service charges.

Responses on the above approach from Registered Providers

5.7 Registered Providers were informed of the above approach and their responses are summarised below (RP) and LBB Planning officer comments on the RP responses are shown in italics.

- (i) RP - Threshold review welcomed and methodology/income thresholds supported. Improvement on existing threshold of £35,000 for all sized units. Welcome London-wide criteria after three months.

LBB officer – RP response is noted and welcomed. See paragraph 4.6-4.7 above in relation to 2015-18 GLA Framework/Programme and when GLA thresholds apply.

- (ii) RP - House price growth in recent years has exceeded all expectations yet incomes have remained almost stagnant apart from in the last quarter. Resulted in widening affordability gap for those people to access home ownership, drawing buyers to shared ownership units resulting in demand exceeding supply tenfold. Hometrack data shows house prices nine times average incomes.

LBB officer – RP response is noted.

- (iii) RP - Income restrictions should be set at GLA levels (including 4 bed units that should be set at GLA upper limit) however it is understood why the Council might want to ensure local residents can access intermediate housing.

Proposed thresholds for different sized units does not simplify purchaser journey and is at odds with what GLA are trying to achieve. Where boroughs operate local thresholds it can be perceived arbitrary by prospective customers and disincentive to pursuing their interest. The following issues can also arise; advantage to buyers with large deposits, creates anomaly to adjoining boroughs that use Mayor's criteria, creates longer sales periods, excludes households whose income exceeds local criteria but lower than Mayor's criteria.

LBB officer – RP response noted. The aim of the proposed local thresholds for different unit sizes is to ensure they are made available for local residents to access initially based on local house prices in line with GLA guidance. Appendix 1 illustrates that recent schemes could be accessed on the proposed thresholds. It is considered that the GLA upper limit should be applicable to 4+ bedroom units.

- (iv) Important to balance current market values against local medium incomes as any large disconnect affects providers as they search for ways to meet affordability constraints (i.e. lowering rent on unsold equity). This can affect the providers viability and restrict supply (i.e. negotiations will try to reduce number of intermediate homes through Planning process).

LBB officer – RP response is noted.

- (v) RP - The intermediate housing values set out by LB Bromley are low for the area (Hometrack data useful). The following median values are considered more realistic: 1 bed unit - £205,000, 2 bed unit - £273,034, 3 bed unit - £300,000 (although average on open market = £427,578 for a 3 bed unit). GLA guidance of 3.5 times divider is only a guide and suggests using Capital Funding Guide.

LBB officer – RP response is welcomed and noted. It is considered that the methodology used to establish the midpoint between capitalised social rented units and lower quartile house prices (sub regional SHMA 2014) adheres to GLA advice on reviewing thresholds and results in realistic income

levels by which to access intermediate units. It is noted that prices vary across the Borough but there is concern that the median values above could result in thresholds in excess of those specified by the GLA.

- (vi) RP - Registered providers ran median values through affordability calculator using LB Bromley's proposed income thresholds. For all the median values the proposed income thresholds supported the GLA standard rental charge of 2.75%. It would also result in the first sale being a reasonable share (i.e. 40% as opposed to 25% minimum share – assuming 10% deposit). However when average three bed value of £427,578 was used the share had to be reduced to 25%. Therefore recommend GLA upper threshold of £80,000 is used for 3 bed+.

LBB officer – RP response on appropriateness of LBB income thresholds for 1 and 2 bed units welcomed. Using an average open market value to assess three bed units could result in the value being too high and therefore the necessary income threshold needed also being slightly too high.. Additionally, if local income levels are set too high it could be interpreted that such levels could access the open market in some parts of the Borough. It is important to also note that the Mayor has adopted FALP changes resulting in GLA income levels (i.e. £80,000 for 3 bed +) after 3 months of marketing where relevant (see paras 4.6-4.7 above).

- (vii) RP - In areas of high value consider off site provision of intermediate homes (i.e. areas where proposed income thresholds cannot be met without rental charge being reduced significantly. More value can be derived from an off-site provision ensuring Bromley gets the maximum number of homes and customer will be incentivised to staircase.

LBB officer – Off-site provision can be considered on a case by case basis in accordance with adopted UDP policies H2 and H3.

6.0 POLICY IMPLICATIONS

- 6.1 Any change to the intermediate income threshold as set out in this report would need to be considered alongside the existing SPDs on Affordable Housing and Planning Obligations. The current threshold of £35,000 would be superseded by any thresholds agreed as part of this report.

7.0 LEGAL IMPLICATIONS

- 7.1 Any change to the local intermediate income threshold would need to be reflected in any future legal agreements. If the threshold is not reviewed there is likely to be an increase in deeds of variations on a case by case basis.

Non-Applicable Sections:	Financial
Background Documents: (Access via Contact Officer)	2006 Unitary Development Plan SPDs on Affordable Housing and Planning Obligations Sub regional SHMA 2014 National Planning Policy Framework (March 2012) The London Plan (FALP 2015) GLA Housing SPG GLA Annual Monitoring Report 2014 2015-18 GLA Framework/Programme

Examples of current Borough intermediate housing schemes and reviewed income levels

Location	Full Price	Share price	No. bedrooms	Estimated monthly cost (mortgage, rent and service charge)	40% net threshold income
Ray Hanna Apartments Main Road Biggin Hill TN16 3JR	£170,000	£85,000 (50%)	1	£779	£906
7 William Petty Way Orpington Bromley BR5 4GN	£160,000	£80,000 (50%)	1	£681	£906
24 Archery Lane Bromley BR2 9FR	£210,000	£84,000 (40%)	1	£776	£906
24 Archery Lane Bromley BR2 9FR	£260,000	£104,000 (40%)	2	£988	£1178
Ray Hanna Apartments Main Road Biggin Hill TN16 3JR	£220,000	£99,000 (45%)	2	£946	£1178
Orchard Grove Orpington Bromley BR6 0BF	£250,000	£100,000 (40%)	2	£966	£1178
Stead Close Chislehurst London BR7 6SF	£475,000	£190,000 (40%)	3	£1697	£1457
14 Queen Adelaide Road Penge London SE20 7DX	£373,000	£186,500 (50%)	3	£1093	£1457
The Berry Fields Orpington BR5	£320,000	£80,000 (25%)	3	£976	£1457

Source www.shareto-buy.com/sharedownershipproperties
(27/1/2015)

Report No.
DRR15/021

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE EXECUTIVE**

Date: 24th March 2015

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

Title: **LOCAL DEVELOPMENT SCHEME 2015-16**

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

Chief Officer: Chief Planner

Ward: (All Wards);

1. Reason for report

This report seeks Members' agreement to the revised Local Development Scheme (LDS) for 2015/16 forming Appendix 1 to the report, which sets out the timescale for the preparation of the Local Plan for the Borough. The current legislative requirements for the LDS are to only include the development plan documents (DPD) which are subject to independent examination which for Bromley will be the Local Plan. Supplementary Planning Documents are therefore not included in the formal LDS. It does however provide an indicative timescale for the preparation of a local Community Infrastructure Levy.

2. **RECOMMENDATION(S)**

Development Control Committee

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

Executive

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

Corporate Policy

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

Financial

1. Cost of proposal: Estimated Cost Up to £92k
 2. Ongoing costs: Non-Recurring Cost
 3. Budget head/performance centre: Local Plan Implementation budget and carry forward balance
 4. Total current budget for this head: £32k and £60k
 5. Source of funding: Existing revenue budget for 2015/16 and carry forward sum
-

Staff

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

Legal

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

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

- 3.1 The Council is required to publish an up to date Local Development Scheme (LDS), setting out the timescale for the preparation of local development plan documents (DPDs). There is no longer a requirement for the LDS to be submitted to Secretary of State. The last LDS was agreed by the Council in Autumn 2013.
- 3.2 The 2013 LDS showed a move to preparing a Local Plan in line with the National Planning Policy Framework (2012) rather than continue with a Local Development Framework which had already seen the Bromley Town Centre Area Action Plan, and Supplementary Planning Documents (SPDs) for Planning Obligations and Affordable Housing adopted. The NPPF made substantial changes including the introduction of 'Local Plans', and has been followed by further reforms including, for example, the greater range of permitted development rights, and the National Planning Policy Guidance (2014). Further changes are expected following consultation last Autumn.
- 3.3 The Council published its Local Plan Draft Policies and Designations document early in 2014 which included a 'Call for Sites'. Sites continued to be received for consideration throughout 2014. Also early in "2014 the Mayor published his draft Further Alterations to the London Plan (FALP). These factors combined with the continued planning reforms and further evidence gathering combined to contribute to the delay in the preparation of the Local Plan. Significant work was involved in responding to the FALP, including making representations at the Examination in Public in September 2014.
- 3.4 During 2014 the Local Development Framework Advisory Panel has met regularly receiving reports updating it of progress. This includes work following up the Council's decision to encouraging economic growth in Bromley Town Centre, the Cray Corridor and the Biggin Hill SOLDC, with the Planning for Growth Work, exploring the potential for employment and business growth in the Cray Business Corridor and Biggin Hill Strategic Outer London Development Centre, as well as the work with the South East London Housing Partnership to understand the Strategic Housing Market, revisiting employment and housing figures in light of the revised forecasts and targets in the FALP.
- 3.5 The new LDS, (appendix 1) reflects the recent major Government planning reforms, the need to be in conformity with the London Plan, including the Further Alterations to the London Plan which were published and subject to Examination in 2014 when adopted later this month, the Council's resources and lessons from other authorities and Inspectors' reports regarding timescales, and the increased burden on authorities to demonstrate plans are based on objective and up to date evidence to be found 'sound'.
- 3.6 The LDS outlines the further evidence required to ensure the Local Plan is 'sound', the risks and measures to mitigate these. This includes work already underway to provide an up to date open space audit, further detail of constraints and capacity at Biggin Hill SOLDC, viability work to support the Local Plan and the introduction of a Bromley Community Infrastructure Levy, and an updated Flood Risk Assessment.
- 3.7 The draft LDS also shows the timescale for the preparation of a Bromley Community Infrastructure Levy (CIL). The third set of CIL regulations increased the consultation period for each stage of the preparation of the charging schedule for CIL, and again increased the burden for evidence of viability and the proposed infrastructure to be funded based on an up to date development plan. On this basis the LDS shows the CIL alongside the Local Plan, however it is expected that the CIL Examination will closely follow the Local Plan Examination.
- 3.8 The Local Plan will include the vision and objectives for the Borough, planning policies and site allocations. The number of supplementary planning documents will be kept to a minimum but

will include, a revised S106 supplementary planning document (SPD) alongside the introduction of a local Community Infrastructure Levy.

- 3.9 Viability work to support the Local Plan and the introduction of a local Community Infrastructure Levy is due to start this month which will inform the Council with regard to the type of development which could be subject to a Local CIL. The Council estimates it will collect in the region of £1.37m for 2014/15 from the Mayoral CIL. On a similar scale of development it is anticipated that Bromley's CIL could contribute between £1.3m and £3.8m per annum.
- 3.10 The Community Infrastructure Levy Regulations 2010 (as amended) restrict the pooling of S106 contributions to no more than five contributions for any specific type of infrastructure that could be funded from CIL. Affordable Housing cannot be funded from CIL and therefore contributions can continue to be funded.
- 3.11 The changes brought in from April 6th 2015 to S106 obligations due to the CIL regulations are included in a separate report on the agenda of DCC.
- 3.11 The work is led by the Planning Strategy team which provides the majority of the resources. However, consultants are required to undertake specialist work and this is included in the Local Plan budget. The Council is responsible for paying the cost of the Examinations of the Local Plan and the Community Infrastructure Levy Charging Schedule which is estimated to be in the region of £40-60k and includes the Inspector and the Programme Officer's costs.

4. POLICY IMPLICATIONS

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

5. FINANCIAL IMPLICATIONS

- 5.1 The cost of public consultation and related printing and publishing of any Local Plan document will be met from the Local Plan Implementation budget of £32k within Planning Services.
- 5.2 The cost of the examination of the plan in public, any further evidence work required during 2015 and the examination of the CIL charging schedule is expected to cost up to £60k. The Executive agreed to carry forward £60k in June 2014 for the preparation of the Local Plan. This was intended to fund the examination of the plan in public and associated work which are now due to take place later than expected - potentially not until 2016/17. A request for approval to carry forward this sum will be submitted to the Executive in June 2015.
- 5.3 It should be noted that the precise timing of the examination in public is determined by the Planning Inspectorate and is therefore outside of the Council's control.
- 5.4 The timetable included in Appendix 1 indicates that the Bromley CIL charging schedule should be effective from Summer 2016. With a similar scale of development as in 2014/15, it is anticipated that between £1.3m and £3.8m per annum could be generated by Bromley's CIL towards infrastructure.
- 5.5 The amended CIL Regulations 2010, effective from 6 April 2015, will restrict the scale of S106 contributions to five per specific infrastructure project in the interim period until a local CIL scheme is introduced.

5.6 In the longer term, once the local CIL is in place, S106 contributions will mainly be for affordable housing, unless specifically negotiated.

6. LEGAL IMPLICATIONS

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

Non-Applicable Sections:	PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	Report DRR 13/103 Local Development Scheme Version 5 2013-2015 12 September 2013

This page is left intentionally blank

Appendix 1

London Borough of

BROMLEY

LOCAL DEVELOPMENT SCHEME

February 2015



Introduction**APPENDIX 1**

- 1.1 The Planning and Compulsory Purchase Act 2004 (The Act) requires the Council to prepare and maintain a 'local development scheme'. This document is the revised Local Development Scheme for Bromley, (also referred to as the LDS). It replaces the September 2013 version for Bromley published in Autumn 2013. This version has been prepared with regard to the Act and its associated Regulations which set out what is required of an LDS.
- 1.2 This LDS takes into account the changes in legislation and policy at a national and regional level and the resources available to the Council. It reflects the impact of continued planning reforms, and the Mayor's 2014 publication of Further Alterations to the London Plan, which when adopted and forming part of the London Plan (as amended) the Local Plan will be required to be in conformity with.
- 1.3 The primary purposes of the LDS is to inform the public about local development plan documents for Bromley and the timescale for their preparation. National Planning Policy Guidance (2014) states that local authorities should publish the timescale on its website and keep this up to date.
- 1.4 Bromley adopted its UDP in 2006, and 'saved' many of its policies in 2009. The Council subsequently worked on its Local Development Framework, and under this system adopted the Bromley Town Centre Area Action Plan and Supplementary Planning Documents for Affordable Housing, and for Planning Obligations. The Council is now preparing Bromley's borough-wide 'Local Plan'.
- 1.5 There are six different types of planning document that could potentially be prepared. Their content varies from policies for the use of land, policies for involving the public in planning, guidance and information and procedural documents.
- Development Plan Documents (DPDs)
 - Neighbourhood Plans
 - Supplementary Planning Documents (SPDs)
 - Community Infrastructure Levy (CIL) Charging Schedule
 - Statement of Community Involvement (SCI)
 - Authority Monitoring Report (AMR)

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

- 1.6 The Bromley Local Plan will be the borough-wide DPD which sets out the overarching strategy for the future development of the Borough to 2031-36 and detailed policies to manage new developments and incorporates strategic site allocations supporting its delivery. The Bromley Town Centre Area Action Plan is an existing Adopted DPD

covering a specific part of the Borough, and will be incorporated within the 'Local Plan' once adopted.

- 1.7 The statutory **Development Plan** for Bromley currently comprises the London Plan (2011), the 'saved' policies of the 2006 UDP, and the Bromley Town Centre Area Action Plan.
- 1.8 Local Development Documents must be in 'general conformity' with the London Plan, (the Mayor's Spatial Development Strategy).

Neighbourhood Plans

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

Supplementary Planning Documents

- 1.11 Supplementary Planning Documents are used to amplify planning policy within development plan documents. There is no legal requirement for these to be included within the LDS, and this enables local planning authorities to respond as circumstances change. They do not form part of the 'Development Plan' for the Borough. However, they are considered material considerations and provide additional detail to existing policy in the development plan or national policy. Where it is known they are likely to be prepared within the LDS timescale reference is made to them, but there is scope for additional SPDs to be prepared and information will always be published on the Council's website.
- 1.12 DPDs and SPDs are subject to public consultation. In addition, DPDs are subject to Sustainability Appraisals in their preparation to assess the economic, social and environmental effects of the plans. DPDs are submitted to the Secretary of State and an Examination in Public by a Planning Inspector.
- 1.13 The Town and Country Planning (Local Planning) England 2012 Regulations sets out the revised procedure for the preparation and review of Local Plans.

Community Infrastructure Levy (CIL) Charging Schedule

- 1.14 The Community Infrastructure Levy is a charge that local planning authorities may choose to levy on new development to fund infrastructure required to support growth and the delivery of the Development Plan for the area. To date, LB Bromley has used S106

agreements negotiated with developers to secure funding where needed as appropriate. However, restrictions to the pooling of S106 agreements come into effect from April 2015 to avoid the use of S106 and CIL monies to pay for the same piece of infrastructure. No more than five S106 contributions can be pooled to fund the same type of infrastructure. The CIL Charging Schedule will set out the rates at which CIL will be charged for specific types of development.

Bromley's Current Position

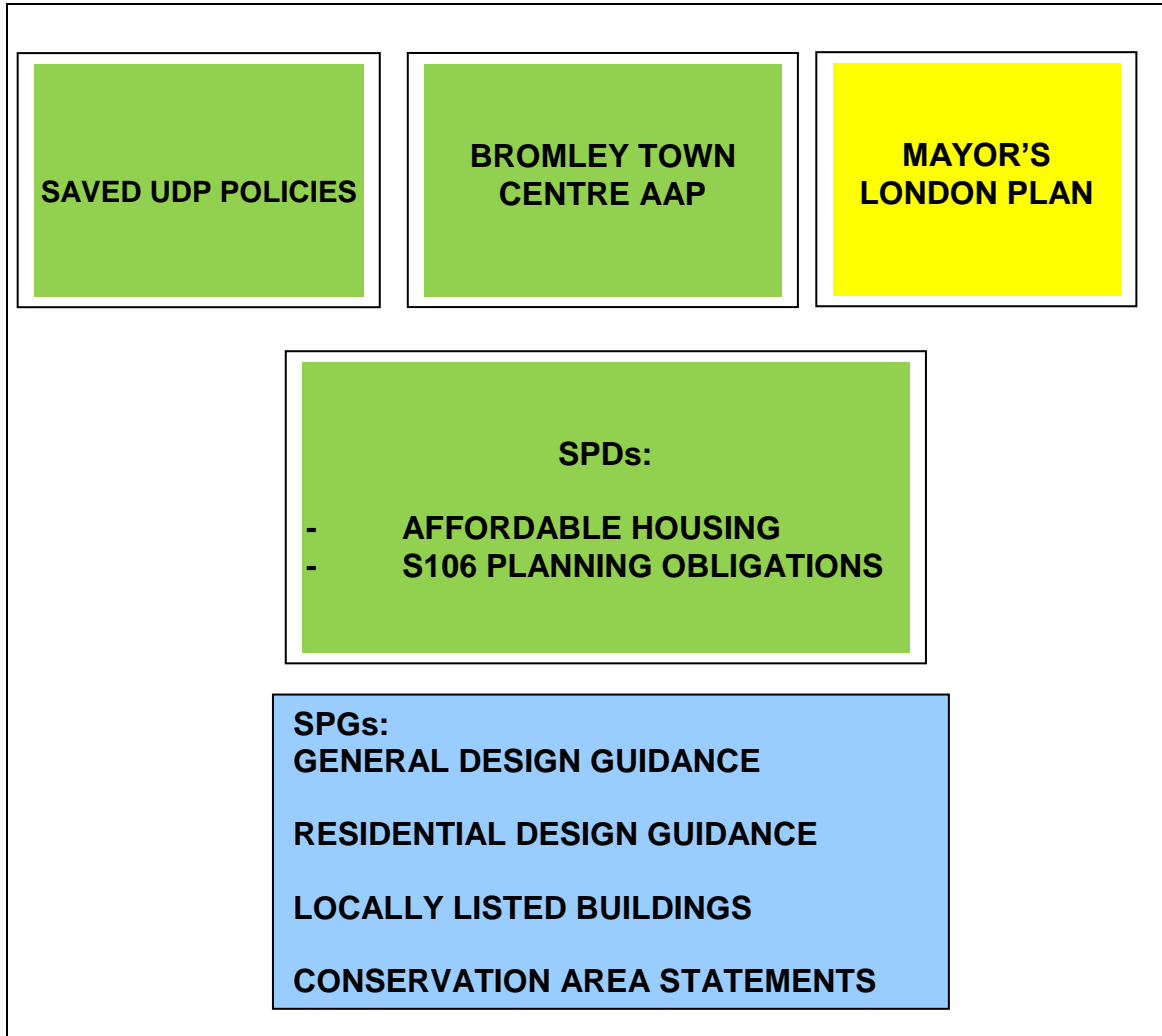
- 2.1 The Council decided to move to preparing a Local Plan in line with the NPPF rather than a Local Development Framework which it started to prepare and adopted some documents.
- 2.2 The current Development Plan for the Borough comprises:
 - 'saved' policies from the 2006 UDP
 - Bromley Town Centre Area Action Plan (2010)
 - Affordable Housing SPD (2010)
 - Planning Obligations SPD (2010)
 - Supplementary Planning Guidance linked to the saved UDP policies
 - The London Plan (2011)
- 2.3 Diagram 1 illustrates this position.
- 2.4 During the Local Plan preparation the development plan for Bromley comprises the London Plan (2011) as amended, the 'saved' policies from the 2006 Unitary Development Plan.

Saved Policies

- 2.5 The Unitary Development Plan (UDP) 2006 was saved for three years after adoption by virtue of the Planning and Compulsory Purchase Act 2004. The Council sought agreement of the Secretary of State to retain specific policies beyond this period.
- 2.6 The Secretary of State for Communities and Local Government issued a Direction to Bromley that specifies which policies in the UDP can continue to be saved as part of the Development Plan. Appendix 2 lists the policies 'saved'.

Diagram 1

BROMLEY'S DEVELOPMENT PLAN (CURRENT)



STATEMENT OF COMMUNITY INVOLVEMENT

AUTHORITY MONITORING REPORT

LOCAL DEVELOPMENT SCHEME

Supplementary Planning Documents

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

Supplementary Planning Guidance

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

consideration in the determination of planning applications. Table 2 shows the current SPG linkages to 'saved' policies.

Table 1 - Supplementary Planning Guidance

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

Preparation of the Local Plan

- 3.1 The Council signalled it would move to a Local Plan with the National Planning Policy Framework (2012) and incorporate the work undertaken so far to progress the Local Development Framework. This included the evidence base which continues to be updated as appropriate, and the Core Strategy Issues Document consultation from 2011.
- 3.2 In 2012 the Council undertook consultation on its Local Plan 'Options and Preferred Strategy' and in 2014 its 'Draft Policies and Designations' Document. The issuing of the Draft Policies and Designations Document overlapped with the Mayor of London consulting on the Draft Further Alterations to the London Plan in early 2014. The FALP are due to be adopted in March 2015 and the Local Plan will be required to be in general conformity.
- 3.2 The Local Plan when adopted together with the London Plan will form the Development Plan for the Borough.
- 3.3 There is a period of transition between the old and new systems. The old system is represented by the 'saved policies of the 2006 adopted Bromley Unitary Development Plan (UDP) and currently these together with the Bromley Town Centre Area Action Plan form the Development Plan for the Borough together with the London Plan. Appendix 1 sets out the 'saved' UDP policies. The new system will comprise the Bromley Local Plan.

Development Plan Documents

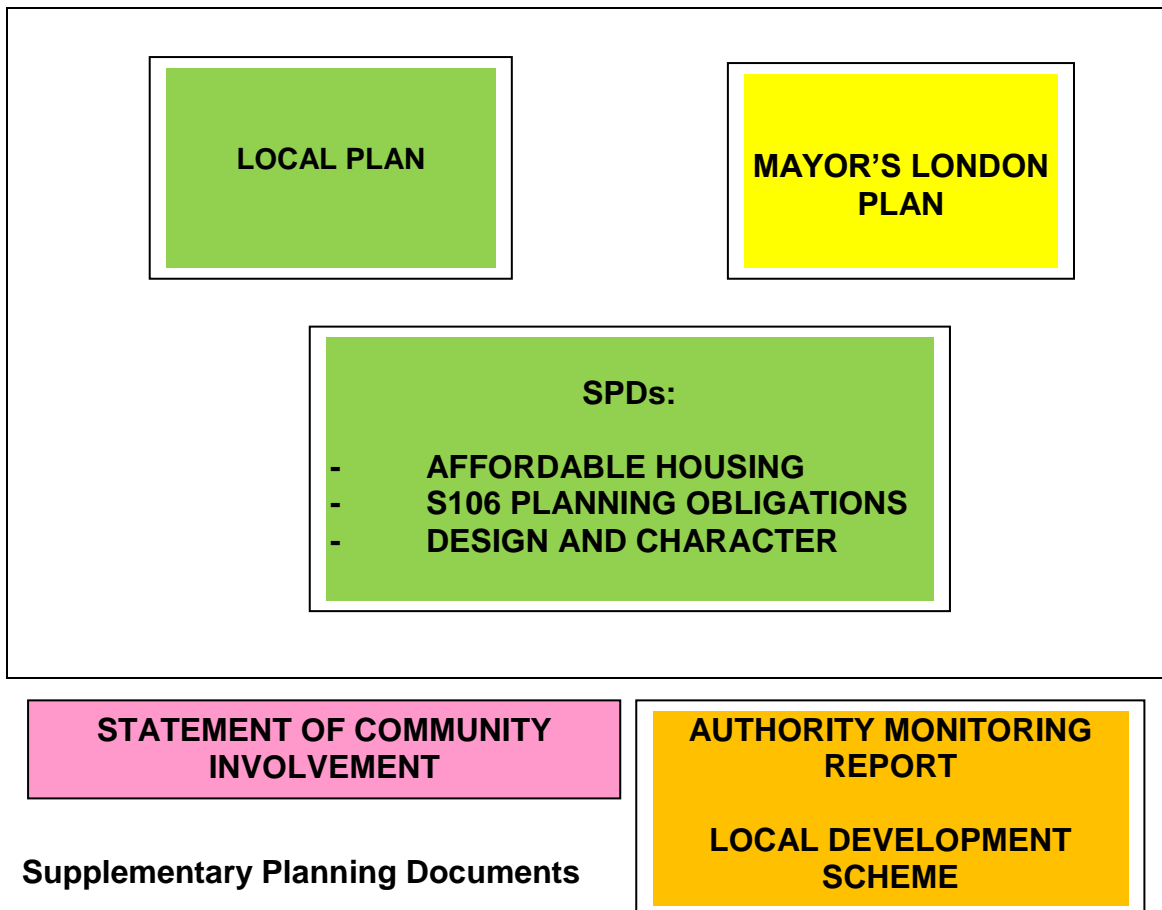
- 3.4 Bromley Borough Local Plan – this will set out the spatial vision and strategic objectives, policies for managing development in the Borough, identify the main sites where development or change is anticipated and

the proposals map identifying areas designated for protection or where areas where specific policies will apply. It will incorporate the Bromley Town Centre Area Action Plan with any amendments that are made during the Local Plan process.

- 3.5 In addition there will be a Community Infrastructure Levy (CIL) Charging Schedule
- 3.6 The timetable for the production of these two documents is detailed in Tables 2 and 3 shown in summary on Annex 1. Diagram 2 shows the other documents involved as well.

Diagram 2

BROMLEY'S DEVELOPMENT PLAN (PLANNED)



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

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

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

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

Other Documents

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

Statement of Community Involvement Bromley’s Statement of Community Involvement was Adopted in 2006. Consultation has been undertaken in line with the SCI. The document will be kept under review.

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

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

Local Development Document Profiles

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

TABLE 2

TITLE	Borough-Wide Local Plan
Development Plan Document	YES
ROLE & CONTENT	The Local Plan will establish the Vision, key objectives and spatial strategy for the Borough and will reflect the spatial aspirations of the Community Strategy and contain a number of core policies and a monitoring and implementation framework. It will address levels of growth and the strategic distribution of development and will include policies addressing key issues and policies to aid the development management process including a clear strategy for the delivery of its objectives. The Local Plan will include a key diagram identifying the spatial elements of the strategy.
GEOGRAPHICAL COVERAGE	Borough-wide

BROMLEY LOCAL DEVELOPMENT SCHEME 2015-2016

Responsibility for Production	Lead	Planning Strategy Team	
	Resources	Planning Strategy Team with input from other services as required	
	Stakeholder & Community Involvement	Consultation and engagement in line with the SCI	
KEY MILESTONES	<ul style="list-style-type: none"> ▪ Consultation on sites assessed as part of the site allocation process. ▪ Draft Local Plan ▪ Pre-submission Consultation ▪ Submission to the Secretary of State and then Examination ▪ Receipt of Inspector's Report ▪ Adoption of the Local Plan 	<p>June/July 2015 ongoing</p> <p>December 2015</p> <p>December/January 2016</p> <p>February 2016</p> <p>Spring 2016</p> <p>Summer 2016</p>	
REVIEW	The document will be monitored on an annual basis through the Authority Monitoring Reports.		

TABLE 3

TITLE	Community Infrastructure Levy Charging Schedule		
Development Plan Document	NO		
ROLE & CONTENT	The document will set out the charges to be levied on new development within the Borough.		
GEOGRAPHICAL COVERAGE	Borough-wide		
UDP REPLACEMENT	N/A		
Responsibility for Production	Lead	Planning Strategy Team	
	Resources	Planning Strategy Team with input from other services as required	
	Stakeholder & Community Involvement	Consultation and engagement as required by the CIL Regulations 2010 (as amended) and in line with the SCI	
TIMETABLE & KEY MILESTONES	<ul style="list-style-type: none"> ▪ Preliminary Draft Charging Schedule consultation ▪ Publish draft schedule and consults ▪ Submit for examination ▪ Receipt of Inspector's Report ▪ Adopt Charging Schedule 	<p>July/August 2015</p> <p>December/Jan2016</p> <p>February 2016</p> <p>Spring 2016</p> <p>Summer 2016</p>	
REVIEW	The document will be monitored on an annual basis and will then be the subject of review if the monitoring highlights such a need.		

Risk Assessment

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

Table 4 - Risk Assessment

Risk Identified	Likelihood/Impact	Management Action
New policy guidance being published part way through the plan preparation	medium/high The Coalition Government has undertaken an extensive reform of the planning system and this is continuing with the 2014 Technical consultation on planning rights. There may be further changes with a new government following the May 2015 General Election.	<ul style="list-style-type: none"> High level policy change is monitored. Plan has to be progressed on the best information available at the time. Seek advice from the GLA, DCLG and Planning Inspectorate as appropriate.
Loss of staff/reduction in staff resources/competing work priorities. Reduced ability of other departments and partners to contribute effectively and in a timely manner.	medium/high The Council is going through a period of transformation. Loss of experienced staff will impact on the production of local development documents and ability to keep to the timescale. Many partner agencies are also experiencing substantial change and a reduction in resources which may impact on their ability to contribute as planned.	<ul style="list-style-type: none"> Staff input from other departments secured at Chief Officer level Recognition of the importance of the Local Plan and its priority over other work. Focus resources on the Local Plan and minimise non statutory work Use work experience, other planning colleagues to contribute Use consultants for specialist work subject to available funding If necessary and other alternatives exhausted timetable will need to be reviewed.
Need to meet Duty to Co-operate and undertake joint working with other authorities/partners	medium/medium Other authorities and partners have their own priorities and timetables for development plans which	<ul style="list-style-type: none"> Regular Duty to Co-operate meetings with sub-region Liaison with other authorities and bodies through partnership

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

site assessment work or changes in national/regional policy or guidance to ensure that Draft Plan is 'sound'.	change in market conditions for instance may mean the Council has to undertake new/additional research or evidence.	
---	--	--

Local Plan Evidence Base

5.1 Local Development Documents are required to be underpinned by up to date evidence. The Council has undertaken, and where necessary commissioned research to support the preparation of the plan and this is available via the 'bromley.gov.uk' website. However, the Council has an obligation to keep its evidence up to date and to undertake new studies as necessary and review existing evidence in a timely manner.

5.2 Further work being undertaken/required includes:

Table 5 - Further Evidence Work

Evidence Area	Current Position	Resources	Timescale
Update to Strategic Flood Risk Assessment	Last Study 2008, Scope of work being prepared	Allocated from Lead Flood Risk Authority funding and staff resources within Planning Strategy	March- May
Open Space Audit Review	Work started	Existing Planning Strategy Budget	Feb – April 2015
Further work assessing site constraints potential at the proposed Biggin Hill Strategic Outer London Development Centre	Work underway	Existing Planning Strategy Budget	Anticipated completion April 2015
Review and update of Employment Land Requirements	Work underway	Staff resources and Existing Planning Budget	April/June 2015

Review of Housing Land Availability, as part of the Site Assessment Work	GLA SHLAA 2014 provides the basis of the more detailed borough level work.	Staff resources	Ongoing - May 2015
Waste Technical Paper	Update to demonstrate how requirements can be met	Staff resources	
Site Allocations	Review of housing, primary and secondary school forecasting to identify provision required,	Staff resources	

Duty to Co-operate

- 6.1 The Duty to Co-operate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis.
- 6.2 The strategic priorities the Government expects joint working includes where appropriate:
- The homes and jobs needed in the area;
 - The provision of retail, leisure and other commercial development
 - The provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk, and coastal change management, and the provision of mineral and energy (including heat);
 - The provision of health, security, community and cultural infrastructure and other local facilities,; and
 - Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.)
- 6.3 The Duty to Co-operate covers a number of public bodies in addition to councils. These bodies are set out in Part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and comprise:
- Environment Agency
 - Historic Buildings and Monuments Commission for England (English Heritage)
 - Natural England
 - Mayor of London
 - Civil Aviation Authority
 - Homes and Community Agency
 - Clinical Commissioning Groups
 - National Health Service Commissioning Board
 - Office of the Rail Regulator

Highways Agency
Transport for London
Integrated Transport Authorities
Highway Authorities
Marine Management Organizations

- 6.4 These bodies are required to co-operate with councils on issues of common concern to developing sound local plans. Local Enterprise Partnerships and Local Nature Partnerships are not covered by the Duty but local planning authorities have to co-operate with LEPs and LNPs having regard to their activities as they relate to Local Plans.
- 6.5 The Council has, and continues to undertake a range of work to ensure the Duty to Co-operate is met. This includes one to one meetings with neighbouring authorities on specific issues, and specific stages in the preparation of respective development plan documents, meeting with groups of authorities, for instance South East London boroughs, boroughs adjoining Crystal Palace, participating in London wide initiatives and Bromley's non-London neighbouring authorities,. These include adjoining parishes, Dartford, Sevenoaks and Tandridge Councils, and Kent and Surrey County Councils.
- 6.6 Specific work is undertaken on a cross borough basis, for instance, the joint Strategic Housing Market Assessment undertaken jointly with Bexley, Southwark, Greenwich and Lewisham, as the five boroughs that make up the established South East London Housing Market Area. Working with authorities and other partners through Biggin Hill Consultative Committee and the Locate Initiative are also examples of the Duty to Co-operate.

Revised Diagram showing Provisional Timetable for the preparation of the Local Plan and Community Infrastructure Charging Schedule

	2015						2016												
	Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	
The plan for the future development of Bromley including spatial, strategic, and detailed development policies and site allocations							Consultation					Formal pre-submission consultation		S					A
To set out the Council's Proposed CIL charges							Preliminary Draft Charing Schedule consultation					Draft charging schedule consultation		S					A

Notes

S' refers to Submission to the S/S for examination

'A' refers to Adoption by the Council.

Appendix 2

'Saved' policies from the 2006 UDP

Housing policies

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

Transport policies

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

Conservation and the Built Environment

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

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

The Natural Environment

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

Green Belt and Open Space

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

Recreation, Leisure and Tourism

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

Business and Regeneration

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

Town Centres and Shopping

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

Biggin Hill

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

Community Services

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

Environmental Resources

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

Implementation

- IMP1 Planning Obligations