



THE LONDON BOROUGH
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DATE: 1 June 2015

To: Members of the
DEVELOPMENT CONTROL COMMITTEE

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

A meeting of the Development Control Committee will be held at Bromley Civic
Centre on **TUESDAY 9 JUNE 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 MEETINGS HELD ON 24 MARCH 2015 AND 13 MAY 2015 (Pages 1 - 16)**

4 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

In accordance with the Council's Constitution, questions to this Committee must be received in writing 4 working days before the date of the meeting. Therefore please ensure questions are received by the Democratic Services Team by 5pm on Wednesday 3 June 2015.

5 LB BROMLEY FIVE YEAR HOUSING SUPPLY PAPER JUNE 2015 (Pages 17 - 32)

6 MINOR ALTERATIONS TO THE LONDON PLAN CONSULTATION DRAFT HOUSING STANDARDS AND PARKING STANDARDS (Pages 33 - 42)

7 AUTHORITY MONITORING REPORT 2012/13 (Pages 43 - 80)

8 PLANNING REPORTS

ITEM NO.	APPLICATION NUMBER AND ADDRESS OF DEVELOPMENT	PAGE NO.	WARD
8.1	(15/00969/FULL2) - Manorfields, Avalon Road, Orpington	81 - 90	Orpington

9 LAND ADJACENT TO THE DRIFT, KESTON BR2 8HL (Pages 91 - 98)

10 CONFIRMATION OF PROPOSED ARTICLE 4 DIRECTIONS BROMLEY TOWN CENTRE (Pages 99 - 114)

11 PLANNING APPEALS - COSTS 2014/2015 (Pages 115 - 122)

12 PLANNING APPEALS MONITORING REPORT (APRIL 2014 TO MARCH 2015) (Pages 123 - 126)

13 DELEGATED ENFORCEMENT ACTION (JANUARY TO MARCH 2015) (Pages 127 - 130)

14 ENFORCEMENT MONITORING REPORT (APRIL 2014 TO MARCH 2015) (Pages 131 - 136)

15 MINOR AMENDMENTS TO THE SCHEME OF DELEGATION (Pages 137 - 148)

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 24 March 2015

Present:

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

Also Present:

Councillors Kim Botting and William Huntington-Thresher

44 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Graham Arthur and Eric Bosshard.

An apology for absence was also received from Councillor Kathy Bance MBE; Councillor Kevin Brooks attended as substitute.

45 DECLARATIONS OF INTEREST

Councillor Dean declared a personal interest in Item 7 - Beckenham Town Centre Conservation Area, as he resided in one of the roads considered for inclusion in the potential new conservation area. Councillor Dean left the room and did not take part in the discussion or vote.

46 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 10 FEBRUARY 2015

RESOLVED that the Minutes of the meeting held on 10 February 2015 be confirmed and signed as a correct record.

47 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

The following oral question was received from Mr Adrian Lawrence of Lanniston Developments Limited:-

'What is this Council doing to identify building land for self and custom builders and is the Council aware of the Self-build and Custom Housebuilding Bill which is in its final stage of Royal Assent when the Bill will become an Act of Parliament?'

The Chairman responded as follows:-

'The Council is keeping a watching brief on the progress of the Self-build and Custom Housebuilding Bill 2014-15. When Royal Assent is received the Council will take steps to ensure it complies. Interest in self build and custom build will be recorded and added to a register as required, and the Local Plan will have regard to the register.'

48 COUNCIL MOTION - PETTS WOOD AREA OF SPECIAL RESIDENTIAL CHARACTER

Report DCS15039

Members considered a motion proposed by Councillor Simon Fawthrop at a meeting of full Council on 23 February 2015 relating to the Petts Wood Area of Special Residential Character. This motion was passed with a slight amendment to reflect that any decision would need to be taken by the Executive.

The motion was as follows:-

'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.'

Councillor Fawthrop moved that the motion be endorsed; this was seconded by Councillor Auld.

RESOLVED that the motion be endorsed and the Executive be recommended to adopt the proposal.

49 PLANNING REPORTS

49.1 (14/03316/FULL1) - Orpington Police Station, The Walnuts, Orpington BR6 0TW

Members considered the following planning application report:-

Item No.	Ward	Description of Application
6.1 (page 15)	Orpington	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.
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The following planning update was received:-

The Draft Alterations to the London Plan referred to on page 26 of the report, had now been adopted; this did not affect what was set out in the report.

The following amendments were made to the section on page 42 of the report confirming which items were planning obligations to be included within the Section 106 legal agreement in order to make the development acceptable:-

- The first bullet point should continue “Confidential Agreed Lease Terms between the NHS and Berkeley’s have been provided and will need to be secured within the S106 agreement along with a suitable time for the offer to remain open and a fallback to ensure a suitable healthcare facility is provided if NHS property services decide not to proceed.”.
- The healthcare contribution referred to in the second bullet point should be removed as it was not required due to the facility being provided within the development.

In order to facilitate a prompt start to the development it had been agreed that the timing for the approval of conditions 7, 8, 12 and 13 should be altered to ‘before above ground works commence’.

Reference to garages in condition 18 should be removed as there were none.

The words ‘slab level’ in condition 28 should be amended to read ‘roof level’ as this would more adequately secure the height.

Members views were sought on a proposed alteration to condition 32 on page 52 as given the site's town centre location, the applicant had requested that the time for construction work and related deliveries be altered to Monday to Saturday 8-6 and Sunday 10-4.

Oral representations in objection to the application were received from Mrs Jenny Wood on behalf of Lancing Road Residents’ Association. Mrs Wood made the following points:-

Whilst the need to redevelop the Police Station was recognised, some concerns were raised by a number of assumptions made in the report regarding car use and parking.

Firstly, the traffic assessments predicted that Health Centre staff, patients and visitors to residents would all seek to park in Lancing Road.

Secondly, as the proposal included no affordable housing, car ownership by residents would probably be in line with the rest of the Borough. The paper circulated to Members showed that application of the published statistics for the Borough suggested that car ownership could be more than twice the number of allocated spaces.

The report assumed that any residential overflow was also likely to use Lancing Road to park.

No recognition was made of the cumulative impact of the assumptions. Lancing Road, Bedford Road and Spur Road were already heavily used for parking during the working day.

As designed and proposed, the development was expected to place a parking burden on Lancing Road as a result of use by:-

- a) Health Centre staff;
- b) patients or their drivers; and
- c) residents and their visitors.

It was anticipated that this burden would be exacerbated by higher than predicted car ownership by residents. This load would not be mitigated by the proposed implementation or extension of a Controlled Parking Zone in surrounding roads; it would simply extend parking problems across the town.

With or without a Controlled Parking Zone, levels of traffic in the roads would increase as a result of drivers searching for parking.

Any planning permission granted should include conditions requiring stronger and more reliable measures to remove the parking and traffic burden which was currently considered to be unsupportable. This could be achieved by a higher ratio of parking spaces to residential units, more generous and creative provision for parking in the Walnuts car park by any of the user groups, or a combination of such measures. A simple and small financial contribution of £12,000 for a Controlled Parking Zone was neither adequate nor convincing.

Oral representations in support of the application were received from Mr Sean Ellis, Chairman of Berkeley Homes. Mr Ellis made the following points:-

The application had been prepared following extensive pre-application discussions with the Council, as well as consultation with the public and key stakeholders.

The need for the Medical Centre and the suitability of the site for its location in Orpington was established in 2011, through the Orpington Health Needs Assessment. Since acquiring the site, Berkeley had worked hard with the various stakeholders to secure the delivery of the Medical Centre.

Heads of Terms had been signed with the NHS to enter into a long leasehold for the medical centre, which was being provided at a discount to market rent and was effectively subsidised by the Private Housing Department.

The development was designed to be articulated in height, as well as in elevation and materials, to provide a contemporary and high quality appearance which would positively benefit Orpington town centre.

Berkeley were aware that some local residents had expressed concerns about the potential for overlooking parking. The proposals took account of generous separation distances between the development and the rear gardens along Lancing Road. The closest garden boundary on Lancing Road was over 200 ft, with the closest dwelling being over 300 ft from the proposed building. In response to these concerns, a further exhibition for these residents was held on the 12th November 2014, to provide further clarification on the proposals.

The site was situated in a highly sustainable location, with good access to public transport and public car parks. 46 car parking spaces would be provided within a basement, equating to a ratio of 55% and was in accordance with the Council's 'maximum' parking policy of 100%. The Council's Highway's Officer had not raised an objection to the proposals.

In order to mitigate the risk of overspill parking in the adjacent roads, Berkeley would also:-

- market apartments without allocated parking as 'car free';
- make a financial contribution for new residents to benefit from the existing Car Club;
- make a financial contribution to the Council so that a consultation on a local Controlled Parking Zone could be undertaken; and

- there was an understanding that the NHS intended to enter into an agreement with the Walnuts Centre to obtain parking permits for staff at the Medical Centre.

Berkeley would pay £669,000 in S106 and CIL contributions of which £326,000 would be put towards public realm enhancements to the Square.

In summary, the scheme would offer a high quality contemporary development which would:-

- provide 83 homes;
- provide a much needed NHS Medical Centre;
- add to the commercial offer in the town centre;
- make significant contributions to enhance public realm and
- make a positive contribution to the regeneration of Orpington town centre.

In conclusion, Berkeley hoped Members would follow officers' recommendation to approve the application as, together with the NHS, they were keen to deliver this exciting development as soon as possible. Berkeley owned the site and subject to planning permission being granted, work would commence immediately upon discharge of pre-commencement conditions. The proposed development, including the Medical Centre, was expected to be completed in 2017.

In response to one Member who suggested Berkeley enter into an agreement with The Walnuts to procure a number of parking spaces for visitors to the Health Centre, Mr Ellis considered it would be difficult to predict how many spaces would actually be required.

Oral representations were received from Ward Member Councillor William Huntington-Thresher. Reporting on the concerns of residents, Councillor Huntington-Thresher made the following points:-

The value of the development of the site was acknowledged.

Although Condition 26 made it clear that Residential and Commercial Travel Plans were to be submitted and approved in writing prior to first occupation of any residential unit, this would not ensure that new residents would comply with such Plans. Parking was available 24 hours a day in the nearby multi-storey car park. In this regard, it would be useful to add an informative that negotiations with the Walnuts be undertaken to enable residents to procure season tickets for the multi-storey car park at the expense of the developer.

Members were reminded that on appeal, the developer of Berwick House (opposite the application site), was granted permission to build 83 flats with only 23 car parking spaces.

Oral representations in support of the application were received from Ward Member Councillor Kim Botting. Speaking on behalf of the business community, Councillor Botting made the following points:-

The application consisted of many components – the GP surgery, the Health and Wellbeing centre, a commercial unit and flats. It needed to be viewed in the Building a Better Bromley policy contexts of a vibrant thriving town centre, a quality environment, regeneration and Healthy Bromley.

In addition to the statutory consultations, a further 1700 letters had been posted and two exhibitions had been held

The Knoll GP surgery, until recently, occupied a town centre location in Knoll rise and for a number of years had sought relocation to improved premises; such plans had failed to materialise. This location would provide more accessibility for most residents' premises than currently existed.

The Health and Wellbeing Centre would relocate services from Orpington Hospital, which would enable Kings College to offer in-patient services, two local GP practices, out-patients and radiography amongst other additional services. As the report indicated the proposed development would provide a valuable investment to health services in Orpington.

The Police Station site was currently vacant and a blot on the town's landscape.

Redevelopment of town centre sites to offer improved public and commercial premises always required housing to help finance the schemes. This development included high quality flats and it was encouraging that Berkeley Homes would not only build the development but also operate and maintain it afterwards. This should give Members confidence that the build quality would be high. Thus, the commercial premises, the new Health Centre staff based in Orpington and the introduction of more homes to the Town Centre would lead to an increase in people shopping, socialising and spending their leisure time in Orpington. These aspects addressing vibrancy meant that the development was fully supported by Orpington businesses and the BID.

Of course any development would have some compromises. The development was large, had limited car parking and would attract many more trips into Orpington. However, as the report indicated, it met policies T1, BE1, BE2 and BE17. Policy T3 indicated that flats in town centre locations with high public transport accessibility could expect lower levels of car ownership so the development was considered acceptable from this point of view. It was also worth noting that Berwick House on the other side of the high street was given planning permission at appeal for 80+ flats with only 23 parking spaces. Season tickets were arranged for NHS

staff parking and Berkeley was in contact with the Orpington BID to organise visitors and residents' parking. GP and health centre visits would generally occur at different times to the cinema traffic which the transport assessment in the report indicated was acceptable.

In conclusion, the development would provide new housing, new public facilities and a health and wellbeing centre, all providing much benefit and support to the community.

Councillor Rutherford supported what he considered to be an agreeable plan. No loss of light would occur as a result of the height of the proposed building. Councillor Rutherford moved approval of the application with the addition of the suggested informative by Councillor Huntington-Thresher.

Councillor Michael seconded the proposal stating that the application would produce a positive mixed use scheme although she would like to have seen the inclusion of more soft landscaping and greenery. There was a need for Members to be mindful of the Council's required target of providing 641 new houses per year. Development within the town centre was preferable to building on Green Belt land.

Councillor Fawthrop moved that the application be refused as he considered the car parking provision to be inadequate. He did, however, suggest that the application could be deferred to allow the developer to negotiate with the Walnuts to procure 50 residents' parking spaces within the multi-storey car park.

It was generally agreed that whilst there were some concerns regarding parking ie. a lack of 40 spaces for Health Centre workers and parking for cinema goers etc, these were not strong enough grounds on which to refuse the application.

Utilisation of the car club vehicle (page 37) was considered to be a good idea and one which should be pursued.

RESOLVED that permission BE GRANTED SUBJECT TO THE COMPLETION OF A SATISFACTORY LEGAL AGREEMENT as recommended, subject to the conditions and informatives set out in the report with the following conditions amended to read:-

'7(i) Above ground works shall not commence until an Impact Study of the existing water supply infrastructure has been submitted to and approved in writing by the Local Planning Authority.....

8(i) Above ground works shall not 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.....

12(ii) Above ground works shall not 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).

13(ii) *Above ground works shall not 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).

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 on the land indicated or in such a position as to preclude vehicular access to the said land.

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

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 Monday to Saturday and 10 am and 4 pm on Sunday and not at all on Public Holidays.*

A further informative was also included to read:-

'5 The applicant be advised that the Council would be keen for agreement to be reached to accommodate future residents' parking by season ticket in the adjacent Walnuts car park at the expense of the developer to assist in minimising the impact of the proposal on on-street parking in the vicinity of the site.'

50 BECKENHAM TOWN CENTRE CONSERVATION AREA

Report DRR15/033

Members considered the outcome of a consultation undertaken on proposals to adopt a new conservation area in Beckenham Town Centre.

Councillor Dykes took the Chair as Councillor Dean left the room and did not take part in the discussion or vote.

The Chairman welcomed the overwhelming positive response to the consultation and moved that the proposal be endorsed; this was seconded by Councillor Scoates.

It was suggested that the accuracy of the map accompanying the report should be confirmed.

RESOLVED that:-

- 1) subject to confirmation of the area mapping, the adoption of a new conservation area to be known as 'Beckenham Town Centre Conservation Area' be approved; and**
- 2) the Executive be recommended to agree adoption of the new conservation area.**

51 SUPPLEMENTARY PLANNING DOCUMENT (SPD) ON PLANNING OBLIGATIONS: ADDENDUM ON CHANGES TO POOLING S106 CONTRIBUTIONS AND S106 THRESHOLD CHANGES

Report DRR15/009

Members considered the addition of 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 6 April 2015. The report advised 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 6 April 2015. The report outlined 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.

The Chairman outlined the report intimating that this was a transitional change between Section 106 agreements and CIL under the Local Plan. To comply with statutory regulations, Members would need to endorse this as from April, ongoing contributions would be identified for specific projects for which no more than five contributions could be received. The Chairman moved that the recommendations be endorsed; this was seconded by Councillor Joel.

Members were informed that as the Council would be seeking specific financial contributions, this would put the Council in a stronger position with regard to transparency.

Affordable housing contributions would be excluded from CIL once it was introduced, and would continue to be collected through Section 106 agreements.

RESOLVED that:-

- 1) the addendum to the Council's adopted SPD Planning Obligations (2010) updating references to threshold and the pooling of Section 106 Agreements as required by the CIL Regulation 2010 be endorsed;**

- 2) **the Executive be recommended to agree the addendum set out in Appendix 1 of the report; and**
- 3) **the changes set out in the report, due to come into effect on 6 April 2015 as a result of the CIL Regulation 2010 be noted.**

52 LB BROMLEY LOCAL INTERMEDIATE HOUSING INCOME THRESHOLD REVIEW

Report DRR15/025

Members were requested to consider the amendment of the income threshold for 'intermediate housing' to reflect changes, primarily in prices, so as to ensure that housing is accessible to local residents.

The Chairman welcomed the report stating that the new limits would result in an increase in the number of people eligible to apply for shared ownership. He therefore moved that the recommendations be agreed; this was seconded by Councillor Dykes.

One Member was concerned with the level being raised at a time when unemployment was high and wages were not increasing. Some people were not able to afford the required deposit. Another Member referred to the amount of affordable housing provided. He did not want to see affordable housing being allocated to people on higher wages. The Council should concentrate on providing accommodation to people with an income of under £35k per year.

However, it was generally agreed that this was a positive move which helped people onto the housing ladder. It was noted that Bromley had a good record of providing accommodation within the Borough.

RESOLVED that the following reviewed local upper limited intermediate housing income thresholds for 1, 2 and 3 bedroom units be agreed:-

1 bedroom units £38,800

2 bedroom units £50,500

3 bedroom units £62,500

GLA upper limit applies to 4 bedroom units+

53 LOCAL DEVELOPMENT SCHEME 2015-16

Report DRR15/021

Members considered the revised Local Development Scheme (LDS) for 2015/16 which set out the timescale for the preparation of the Local Plan for the Borough.

The current legislative requirements for the LDS only include the development plan documents (DPD) which are subject to independent examination which for Bromley would be the Local Plan. Supplementary Planning Documents were not included in the formal LDS. It did however, provide an indicative timescale for the preparation of a Local Community Infrastructure Levy.

It was reported that a vast amount of work had gone into developing the Local Plan and a lot of work still remained to be undertaken. It was anticipated that the Local Plan would be completed by 2016.

The Chairman moved that the recommendations be approved; this was seconded by Councillor Buttinger.

RESOLVED that the Executive be recommended to approve the revised Local Development Scheme as the formal management document for the production of the Bromley Local Plan.

The meeting ended at 8.30 pm

Chairman

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 8.15pm on 13th May 2015
following the annual meeting of the Council

Present:

Councillor Peter Dean (Chairman)
Councillors Vanessa Allen, Graham Arthur, Douglas Auld,
Kathy Bance, Eric Bosshard, Katy Boughey, Lydia Buttinger,
Simon Fawthrop, Ellie Harmer, Charles Joel, Russell Mellor,
David Livett, Alexa Michael, Richard Scoates and Michael
Turner

1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

2 PROPORTIONALITY

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

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

3 APPOINTMENT OF SUB-COMMITTEES

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

(i) PLANS 1 SUB-COMMITTEE

	Councillors
1	Douglas Auld
2	Katy Boughey
3	Alan Collins
4	Ian Dunn
5	Nicky Dykes
6	Robert Evans

7	Charles Joel
8	Alexa Michael
9	Terence Nathan
10	Angela Page

(ii) PLANS 2 SUB-COMMITTEE

	Councillors
1	Kathy Bance
2	Lydia Buttinger
3	Peter Dean
4	Ian Dunn
5	Simon Fawthrop
6	Samaris Huntington-Thresher
7	Russell Mellor
8	Richard Scoates
9	Michael Turner

(iii) PLANS 3 SUB-COMMITTEE

	Councillors
1	Douglas Auld
2	Katy Boughey
3	Kevin Brooks
4	Alan Collins
5	Nicky Dykes
6	William Huntington-Thresher
7	Charles Joel
8	Alexa Michael
9	Stephen Wells

(iv) PLANS 4 SUB-COMMITTEE

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

4 APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN

RESOLVED that the following Councillors be appointed as Chairmen and Vice Chairmen of the Sub-Committees of the Development Control Committee for the 2015/16 Municipal Year.

(a) Plans 1 Sub-Committee

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

(b) Plans 2 Sub Committee

Councillor Lydia Buttinger(Chairman)
Councillor Michael Turner (Vice Chairman)

(c) Plans 3 Sub-Committee

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

(d) Plans 4 Sub-Committee

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

The meeting finished at 8.16pm.

Chairman

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Agenda Item 5

DRR15/055

London Borough of Bromley

PART 1

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Wednesday 9th June 2015

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

Title: LB BROMLEY FIVE YEAR HOUSING SUPPLY PAPER JUNE 2015

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

Chief Officer: Jim Kehoe, Chief Planner

Ward: (All Wards);

1. Reason for report

The National Planning Policy Framework (NPPF, March 2012) specifies that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. This report sets out the five year housing supply position for the Council from 1st April 2015 – 31st March 2020. It concludes that there is a suitable five year housing supply in the Borough.

2. **RECOMMENDATION(S)**

Members agree the five year housing supply position 01/04/15-31/03/20 as set out in Appendix 1 of this report.

Corporate Policy

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

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Planning Division Budget (Excl Building Control & Land Charges)
 4. Total current budget for this head: £2.144m
 5. Source of funding: Existing controllable revenue budget for 2015/16
-

Staff

1. Number of staff (current and additional): 65.22 FTEs
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

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

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

Background

- 3.1 All London boroughs contributed to a comprehensive and robust pan-London assessment of housing capacity (London Housing Capacity Study (LHCS) 2004-05). This resulted in an annual housing provision target for the Borough of 485 units for a 10 year period (2007/08-2016/17) and was set out in the 2008 London Plan. Prior to this an annual target of 572 units applied to the Borough over a twenty year period (1997/98-2016/17). Reference to these figures is made in Policy H1 Housing Supply within the adopted Unitary Development Plan (UDP, 2006). A 10 year plan period (2011/12-2020/21) now applies to all London Boroughs for the purposes of monitoring housing supply as set out in the 2011 London Plan.
- 3.2 The GLA advised in January 2011 that targets prior to the 2008 London Plan (the adopted London Plan at the time) would not accrue and therefore the most relevant plan period was for ten years as opposed to the previous twenty year period referred to in the UDP.
- 3.3 The Council contributed to the London-wide SHLAA / Housing Capacity Study (SHLAA, 2009). As a result of the Assessment an annual housing monitoring target of 500 units was allocated to the Borough in the 2011 London Plan for the plan period 2011/12 – 2020/21. The Council also contributed to the GLA's SHLAA 2013 which assigned an annual housing monitoring target of 641 units to the Borough and has been adopted through the 2015 London Plan (consolidated with alterations since 2011). The 2013 SHLAA shows that the basis for the increased target from 500 to 641 per annum for Bromley is comprised of small sites. In light of the increased housing supply target for the Borough it is considered appropriate to update the five year housing supply position.
- 3.4 The 2009 SHLAA attributed a small site capacity of 195 units out of an overall target of 500 units for the Borough. This figure increased to 352 units out of an overall target of 641 units within the 2013 SHLAA resulting in a 157 increase in small site capacity, based on historic delivery rates by comparison with an overall increase in the target of 141.
- 3.5 The five year housing supply period covers 01/04/15-31/03/20. Appendix 1 of this report updates the five year housing supply paper agreed by DC Committee in September 2014.
4. **National Planning Policy Framework (March 2012) (NPPF)**
- 4.1 The NPPF specifies in paragraph 47 that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 4.2 Paragraph 48 states that local planning authorities may make an allowance for windfall sites in the five year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.
- 4.3 In the event that the supply is not demonstrated then an Inspector may take this into account when assessing appeals against the refusal of planning permission for residential development.
- 4.4 The housing supply position for Local Planning Authorities should be monitored on an annual basis to ensure there is a continuous five year supply of housing.

National Planning Practice Guidance (March 2014)

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

London Plan (2015)

- 4.7 The London Plan para 3.14A and Policy 3.3 specifies that minimum housing supply targets for each borough are set out from 2015 until 2025. For Bromley Borough, this target is 641 dwellings per annum. These targets are informed by the GLA's Strategic Housing Market Assessment (SHMA) (2013) and London's housing land capacity as identified through the 2013 GLA Strategic Housing Land Availability Assessment (SHLAA). The SHLAA methodology is designed to identify capacity authoritatively in the distinct circumstances of London, including the limited stock of land and the uniquely pressurised land market and dependence on recycling brownfield land currently in existing uses. The methodology has been developed and refined over time through partnership working with boroughs and others involved in London housing as well as to reflect the principles of government guidance on preparation of SHLAAs nationally (2007 practice guidance).
- 4.8 The London Plan (para 3.19A) observes that national policy requires boroughs to identify a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their requirements with an additional buffer of 5% moved forward from later in the plan period. In compiling their 5 year supply estimates boroughs should demonstrate that they have maximised the number of identified sites. However, given London's reliance on recycled land currently in other uses and the London SHLAA's evidence, it must be recognised that in addressing this national objective, capacity which elsewhere in the country would be termed "windfall" must here form part of the 5 year supply. In order to support the range of activities and functions required in London as set out in this Plan application of the 5% - 20% buffers should not lead to approval of schemes which compromise the need to secure sustainable development as required in the NPPF (paragraph 3.19A).

5. LB Bromley Five Year Supply of Housing 2015

- 5.1 Appendix 1 to this report sets out the Borough's five year housing supply position (2014/15- 2019/20). This illustrates that the Borough can accommodate five years supply of housing through a variety of deliverable sites and has delivered sufficient completions over the past few years. Therefore a buffer of 5% of units has been added to the Borough's overall 5 year target in line with the requirements of the NPPF. This includes a small sites allowance reflecting the GLA SHLAA 2013.

6.0 POLICY IMPLICATIONS

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

7.0 PERSONNEL AND FINANCIAL IMPLICATIONS

- 7.1 The Five Year Housing Supply Paper must be updated and produced annually. Failure to produce the paper could result in significant resource implications in both financial and staffing terms, as the number of hearings and public inquiries related to housing supply issues could increase substantially, if a five year supply of housing cannot be demonstrated.

Non-Applicable Sections:	Legal
Background Documents: (Access via Contact Officer)	National Planning Policy Framework (March 2012) National Planning Practice Guidance (March 2014) The London Plan (2015)

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LB BROMLEY FIVE YEAR SUPPLY OF HOUSING

FIVE YEAR SUPPLY OF DELIVERABLE LAND FOR HOUSING (June 2015)

1.0 NATIONAL AND LONDON-WIDE POLICIES AND GUIDANCE

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) (March 2012)

- 1.1 The NPPF specifies in paragraph 47 that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 1.2 The NPPF specifies that to be considered deliverable, sites should be available now, offer a suitable location for development, be achievable with a realistic prospect that housing will be delivered on the site within five years and that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years.
- 1.3 Paragraph 48 states that local planning authorities may make an allowance for windfall sites in the five year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.
- 1.4 Paragraph 49 specifies that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable sites.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG) (March 2014)

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

LONDON PLAN (2015)

- 1.7 The London Plan para 3.14A and Policy 3.3 specifies that minimum housing supply targets for each borough are set out from 2015 until 2025. For Bromley Borough, this target is 641 dwellings per annum. These targets are informed by the GLA's Strategic Housing Market Assessment (SHMA) (2013) and London's housing land capacity as identified through the 2013 GLA Strategic Housing Land Availability Assessment (SHLAA). Consistent with the NPPF this approach takes account of London's locally distinct circumstances of pressing housing need and limited land availability and aims to deliver sustainable development. Paragraph 3.17 sets out that on the supply side, the London SHLAA is designed to address the NPPF requirement to identify supply to meet future housing need

as well as being ‘consistent with the policies set out in this Framework’ (para. 47 NPPF) not least its central dictum that resultant development must be sustainable.

- 1.8 The SHLAA methodology is designed to do this authoritatively in the distinct circumstances of London, including the limited stock of land here and the uniquely pressurised land market and dependence on recycling brownfield land currently in existing uses. The methodology has been developed and refined over time through partnership working with boroughs and others involved in London housing as well as to reflect the principles of government guidance on preparation of SHLAAs nationally (2007 practice guidance).
- 1.9 The London Plan (para 3.19A) observes that national policy requires boroughs to identify a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their requirements with an additional buffer of 5% moved forward from later in the plan period. In compiling their 5 year supply estimates boroughs should demonstrate that they have maximised the number of identified sites. However, given London’s reliance on recycled land currently in other uses and the London SHLAA’s evidence, it must be recognised that in addressing this national objective, capacity which elsewhere in the country would be termed “windfall” must here form part of the 5 year supply. In order to support the range of activities and functions required in London as set out in this Plan application of the 5% - 20% buffers should not lead to approval of schemes which compromise the need to secure sustainable development as required in the NPPF (paragraph 3.19A).

2.0 LONDON BOROUGH OF BROMLEY FIVE YEAR HOUSING SUPPLY

- 2.1 This paper sets out Bromley’s position on five year supply (01/04/15-31/03/20).
- 2.2 Policy H1 of the Adopted Unitary Development Plan (2006) deals with housing supply (11,450 units) over a period of 1997-2016. This period originates from the GLA London Housing Capacity Study (2000). The Study has been superseded by three other Assessments based on 10 year periods and incorporated into the London Plan (2008, 2011 and 2015). It is considered that the current London Plan (2015) is the most up to date Plan to take into consideration for housing supply targets and reference to a 20 year period for monitoring purposes is no longer relevant.¹
- 2.3 An annual housing target figure of 485 units applied to the Borough from 2007/08 – 2010/11 as a result of the Borough participating in the 2005 London Housing Capacity Study.
- 2.4 The Council contributed to the London-wide SHLAA / Housing Capacity Study (SHLAA, 2009). As a result of the Assessment an annual housing monitoring target of 500 units was allocated to the Borough in the 2011 London Plan for the plan period 2011/12 – 2020/21. The Council also contributed to the GLA’s SHLAA 2013 which assigned an annual housing monitoring target of 641 units to the Borough and has been adopted through the 2015 London Plan (consolidated with alterations since 2011). The 2013 SHLAA shows that the basis for the increased target from 500 to 641 per annum for Bromley is comprised of small sites.
- 2.5 The 2009 SHLAA attributed a small site capacity of 195 units out of an overall target of 500 units for the Borough. This figure increased to 352 units out of an overall target of 641 units within the 2013 SHLAA resulting in a 157 increase in small site capacity based on historic delivery rates, by comparison with an overall increase in the target of 141.

Current housing provision targets and delivery

- 2.6 Table 1 below illustrates that housing completions have exceeded the current annual target (2007 – 2013) and are in excess of the cumulative target by 859 units. In light of this delivery it is considered that a buffer of 5% is relevant.

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

Financial Year	Completions (units)	Cumulative Completions	Cumulative Target
2007/08	713	713	485
2008/09	494	1207	970
2009/10	553	1760	1455
2010/11	672	2432	1940
2011/12	566	2998	2440
2012/13	646	3644	2940
2013/14	605	4249	3440
2014/15	550 (Est)	4799	3940

Table 1 Completions 2007/08-2014/15

- 2.7 Table 2 sets out the Borough's position on housing delivery against the current ten year target (2015/16 – 2024/25). During the five year supply period Table 2 shows that the Borough needs to deliver 3205 units.
- 2.8 Completions known to date for 2014/15 are in the region of 450 units on sites of 9 units and larger. Therefore an estimate of 550 units for the year is considered reasonable and likely to be exceeded.

Financial Year	Completions needed	Cumulative Target
2015/16 – 2019/20	3205	3205
2020/21	641	3846
2021/22	641	4487
2022/23	641	5128
2023/24	641	5769
2024/25	641	6410

Table 2 Housing Targets LB Bromley 2015/16 – 2024/25

- 2.9 The 5% buffer would increase the five year figure from 3205 units to 3365 units.

Five year supply position

- 2.10 The following sites make up Bromley's five year supply (based on units available and not whole sites) and are set out in Appendix 1 to this paper:
- a) Large (0.25 ha+) with planning permission and small sites approach;
 - b) Large and small sites that have commenced;
 - c) Relevant large identified sites;
 - d) Other large known sites;
 - e) Long term vacant units brought back into use;
 - f) Sites granted prior approval.

a) Large with planning permission and small sites approach

- 2.10 Under the London Plan / 2013 SHLAA small sites are those <0.25ha and large sites are those >0.25ha.
- 2.11 Sites of 9+ units were assessed to determine if they would be deliverable over the five year period. Where relevant, developers/agents were contacted to establish if sites were likely to be brought forward or if a start date was known. In some cases developers were able to confirm that work had already started on site or was imminent. If sites were unlikely to be pursued within the five year timescale they were removed from the list. Relevant sites are listed in Appendix 1.

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- 2.12 As part of the London-wide SHLAA 2013 an assessment was made of the contribution that small sites (<0.25ha) have made to housing delivery within each borough from 2004/05 – 2011/12. The figure was derived by taking an average of small site completions (new build, conversions and changes of use) 2004/05 – 2011/12 and removing 90% of new build completions built on garden land. The annual average figure for the Borough during this time period was 352 units. Over the ten year London Plan period (2015/16 – 24/25) the small site windfall figure could contribute 3520 units and over five years 1760 units. The London-wide SHLAA 2013 forms part of the evidence supporting the recently updated London Plan (2015). Paragraph 1.9 above sets out the London Plan approach to including 'windfall' sites within boroughs five year housing supply papers.
- 2.13 It is considered that delivery on small sites is not insignificant and has been demonstrated over the relevant eight year period. The inclusion of approximately 1632 units, as set out in Appendix 1, over five years is deliverable and takes into account advice set out in paragraph 48 of the NPPF and paragraph 3.19A of the London Plan. Of importance is the fact that nearly one third of these sites are identified and include:

Small sites	No. of units
Units with planning permission or commenced	190
Allocated	10
Office to residential PD granted (9+ units)	79
Office to residential PD commenced (9+ units)	38
Site <9 units and <0.25 ha commenced (includes 50 office to residential units)	170
Other known sites	45
Future delivery of other small sites with planning permission	1100
TOTAL	1632

Table 3: Small sites included within five year housing supply

b) Sites that have commenced

- 2.14 Sites that have started are considered deliverable over the five year supply period. Any large completed sites were removed from the list in addition to units on uncompleted large sites (up to March 2015).
- 2.15 There are approx. 170 units on small sites that have started and it is expected that these will be delivered by the end of the five year supply period (includes office to residential PD units).

c) Large identified sites

- 2.16 Site B within the Bromley Area Action Plan (BAAP, adopted October 2010) was included in the 2013 SHLAA results for Phase 2 of the Assessment. The BAAP states the site could accommodate 70 residential units on site. It is considered that 40 units could be deliverable in the five year period.
- 2.17 Development at Site K (Westmoreland Road) including 200 residential units was granted planning permission in March 2012 and work has commenced on site.
- 2.18 Site C within the BAAP was included in the 2013 SHLAA results for Phase 3 (2020 – 2025) of the Assessment. The BAAP states that the site could accommodate around 20 units. There is a possibility that this site may be delivered during an earlier phase, therefore an estimate of 20 units has been attributed to the five year housing supply.

d) Other known sites

- 2.19 Other known sites that are considered deliverable are included in Appendix 1. These include 2 sites that have been granted planning permission but are awaiting the finalisation of Section 106 agreements (57 Albemarle Road, Beckenham and 165 Masons Hill, Bromley), and an additional site

APPENDIX ONE

(Sundridge Park Manor) where a previous planning permission has expired but an amended scheme is pending consideration.

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

2.17 The GLA advise that long term empty homes returning to use can be included in calculating completion targets for boroughs. The 2013 GLA SHLAA attributes an annual target to some boroughs in relation to reducing long term vacant properties (6 months+) to 0.75% of overall stock. The percentage of long term vacant units within the borough is less than 0.75% and therefore a target has not been allocated. Importantly though any long term vacant properties that are brought back into use can still count towards annual completion data. GLA Annual Monitoring Data on vacant units is compiled using DCLG Live Table 615 (Live tables on dwelling stock including vacants). On average since 2004 approximately 88 long term vacant units have been returned to use per annum. It is considered that the overall long term vacant figure for the borough has declined significantly over this period (2004, 1506 units; 2013, 709 units) but a conservative allocation of 100 units over the five year period would be reasonable.

f) Changes of use from office to residential

2.14 The Government introduced Regulations in May 2013 to extend permitted development rights allowing for a change of use from B1(a) to C3 subject to a prior approval process up to May 2016. A minimum of 310 units have been approved through this process up to March 2015 and approximately 90 units have commenced and are included in Appendix 1 of this Paper.

2.15 It is considered that during the five year housing supply period an estimated delivery of an additional 250 units would be reasonable. To date there are approximately 60 units in this category that have commenced and/or have building control notices accepted and have not been counted elsewhere in the five year housing supply. There are approximately 100 units submitted through the prior approval process that are currently pending a decision.

2.16 Contributions from this source up to the end of May 2016 are likely to include large and small sites.

Conclusion to date

2.23 The Council's five year housing supply position will be monitored and updated on a regular basis.

2.24 Appendix 1 illustrates that Bromley is able to meet its five year supply target of 3365 units (including the 5% buffer) given that there are 3440 deliverable units in the pipeline. In light of this, regard will be had to policies in the London Plan, the Bromley Development Plan, the NPPF, the NPPG and other material considerations when assessing new planning applications.

Summary of five year housing supply

Five year housing supply capacity		Five year housing supply targets
Known sites with planning permission not commenced	720	Target of 641 units per annum x 5 = 3205 units
Known sites commenced (up to end March 2015)	971	3205 units plus 5% buffer = 3365 units
Allocated sites	70	
Other known sites	59	
Small sites started (including prior approval)	170	
Small sites allowance	1100	
B1(a) to C3 Prior Approval allowance	250	

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Vacant units brought back into use	100	
TOTAL	3440	
Conclusion: Five year housing supply exceeds target of 3365 units		

Appendix 1

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FIVE YEAR HOUSING LAND SUPPLY 01/04/15 to 31/03/20

Borough Reference	Net Gain Excluding unit comp.	Site Area (ha)	Site Size	Site Address		Post Code	Ward	Current Permission Status	Date of PP
Sites with permission not commenced									
13/03889/FULL1	16	0.18	Small	The Rising Sun	166 Upper Elmers End Road	BR3 3DY	KELSEY AND EDEN PARK	Not started	09/04/2015
14/03316/FULL1	83	0.2	Small	Orpington Police Station	The Walnuts Orpington	BR6 0TW	ORPINGTON	Not started	17/04/2015
14/02086/RESPA	79	0.1	Small	Berwick House	8 - 10 Knoll Rise	BR6 0E	ORPINGTON	Not started	14/11/2014
12/01843/FULL1	9	0.4	Large	20-22	Main Road	TN16 3EB	BIGGIN HILL	Not started	04/06/2013
13/03467/FULL1	74	0.28	Large	Dylon International Ltd	Worsley Bridge Road	SE26 5HD	COPERS COPE	Not started	16.02.2015
14/00820/OUT	45	1.09	Large	Grays Farm Production Village	Grays Farm Road	BR5 3BD	CRAY VALLEY WEST	Not started	12/03/2015
14/03991/FULL1	46	1.4	Large	The Haven	Springfield Road		CRYSTAL PALACE	Not started	31/03/2015
14/03236/RESPA	12	2.5	Large	Bassetts House	Broadwater Gardens	BR6 7UZ	FARNBOROUGH AND CROFTON	RESPA GRANTED	15/10/2014
14/01873/FULL1	21	0.57	Large	Isard House	Glebe House Drive		HAYES AND CONEY HALL	Not started	10/12/2014
14/02364/FULL1	23	2.6	Large	Hayes Court	West Common Road		HAYES AND CONEY HALL	Not started	17/12/2014
12/00976/OUT	179	10.6	Large	GlaxoSmithKline Langley Court	South Eden Park Road	BR3 3BS	KELSEY AND EDEN PARK	Not started	17/06/2014
13/00905/OUT	38	0.4	Large	25	Scotts Road	BR1 3QD	PLAISTOW AND SUNDRIDGE	Not started	11/06/2014
12/03606/FULL1	41	2.27	Large	Sundridge Park Management Centre Ltd	Plaistow Lane	BR1 3TP	PLAISTOW AND SUNDRIDGE	Not started	06/11/2013
14/03324/FULL1	54	0.5	Large	Summit House	Glebe Way	BR4 0RJ	WEST WICKHAM	Not started	02/04/2015
Total	720								
Sites Commenced									
13/02222/RESPA	27	0.2	Small	Archers Court	48 Masons Hill	BR2 9JG	BROMLEY TOWN	Started	08/09/2013
14/01932/RESPA	11	0.05	Small	Babbacombe House, 2	Babbacombe Road	BR1 3LW	BROMLEY TOWN	Started	12/05/2014

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Borough Reference	Net Gain Excluding unit comp.	Site Area (ha)	Site Size	Site Address		Post Code	Ward	Current Permission Status	Date of PP
10/02346/FULL1	9	0.11	Small	125	Park Road	BR3	COPERS COPE	Started	07/09/2011
12/00304/FULL1	50	0.23	Small	76	High Street	BR6 0JQ	CRAY VALLEY EAST	Started	06/02/2013
12/03859/FULL1	9	0.13	Small	193	Anerley Road	SE20 8EL	CRYSTAL PALACE	Started	26/03/2013
04/03547/FULL1	10	0.01	Small	Fair Acres Estate	Fair Acres	BR2 9BL	HAYES AND CONEY HALL	Started	21/01/2005
09/00422/FULL1	13	0.1	Small	Plaistow Lane Service Station	Plaistow Lane	BR1 4DS	PLAISTOW AND SUNDRIDGE	Started	11/11/2009
11/01412/FULL1	4	0.26	Large	49	Sunningvale Avenue	TN16 3BX	BIGGIN HILL	Started	21/07/2011
07/03632/FULL1	160	0.27	Large	Land At South Side Of	Ringers Road	BR1 1HP	BROMLEY TOWN	Started	04/01/2008
11/03865/FULL1	200	0.96	Large	Site K Multistorey Car Park	Simpsons Road	BR1	BROMLEY TOWN	Started	26/03/2012
03/02319/OUT and 10/00740/DET	155	12	Large	Blue Circle Sports Ground	Crown Lane	BR2 9PQ	BROMLEY COMMON AND KESTON	Started	22/11/2007
03/04554/FULL1	6	0.26	Large	Maunsell House, 160	Croydon Road	BR3 4DE	CLOCK HOUSE	Started	26/02/2009
12/00102/FULL1	42	0.9	Large	Graham Chieseman House	St Pauls Cray Road	BR7 6QA	CHISLEHURST	Started	26/06/2013
09/01664/FULL1	149	0.28	Large	Dylon International Ltd	Worsley Bridge Road	SE26 5HD	COPERS COPE	Started	15/04/2010
11/02100/FULL1	44	0.35	Large	Land Rear of 86-94	High Street	BR3	COPERS COPE	Started	26/07/2012
11/02140/OUT	33	2.04	Large	Part Of Kent County Cricket Ground	Worsley Bridge Road	BR3 1RL	COPERS COPE	Started	29/03/2012
07/04649/DET	5	0.7	Large	Anerley School For Boys	Versailles Road	SE20 8AX	CRYSTAL PALACE	Started	10/03/2008
13/01670/FULL1	-12	0.78	Large	1	Chilham Way	BR2 7PR	CRYSTAL PALACE	Started	13/03/2014
12/02443/FULL1 and 12/02913/FULL2	56	0.95	Large	Holy Trinity Convent School	Plaistow Lane	BR1 3LL	PLAISTOW AND SUNDRIDGE	Started	07/11/2011
Total	971								
Allocated sites									
UDP Proposal Site	10	0.01	Small	Land adjacent Clock House station			CLOCKHOUSE		
Bromley Area Action Plan	40	0.37	Large	Site B Tweedy Road/London Road			BROMLEY TOWN		

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Borough Reference	Net Gain Excluding unit comp.	Site Area (ha)	Site Size	Site Address		Post Code	Ward	Current Permission Status	Date of PP
Bromley Area Action Plan	20	0.7	Large	Site C Former Town Hall and South Street Car Park			BROMLEY TOWN		
Total	70								
Other sites									
14/01637/FULL1	16	0.16	Small	57	Albemarle Road	BR3 5HL	COPERS COPE	SUBJECT TO S106	
14/04199/FULL1	29	0.13	Small	165 Masons Hill		BR2 9HW	BROMLEY TOWN	SUBJECT TO S106	
14/02683/FULL3	14	3	Large	Sundridge Park Manor	Willoughby Lane	BR1 3FZ	PLAISTOW AND SUNDRIDGE	PCO	
Total	59								
Small sites started									
	170		Small	Various			BOROUGH-WIDE		
Small sites allowance									
	1100		Small	Various			BOROUGH-WIDE		
B1(a) to C3 Prior Approval Sites allowance							BOROUGH-WIDE		
	250						BOROUGH-WIDE		
Vacant Units	100						BOROUGH-WIDE		
OVERALL TOTAL	3440								

Subdivision of small and large sites set out above	
Small Sites	1632
Large Sites	1458
Prior Approval and Vacant Units	350
TOTAL	3440

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: 9th June 2015

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

Title: MINOR ALTERATIONS TO THE LONDON PLAN CONSULTATION DRAFT HOUSING STANDARDS & PARKING STANDARDS

Contact Officer: Mary Manuel , Head of Planning Strategy
Tel: 0208 313 4303
E-mail: mary.manuel@bromley.gov.uk

Chief Officer: Jim Kehoe, Chief Planner

Ward: (All Wards);

1. Reason for report

The Mayor of London is consulting on two sets of Minor Alterations to the London Plan (MALP) on Housing Standards and Parking Standards. These Minor Alterations have been prepared to bring the London Plan in line with new national housing standards and car parking policy.

2. **RECOMMENDATION(S)**

i) Members consider and note the Minor Alterations to the London Plan 2015 Housing Standards and Parking Standards (MALP).

ii) Members endorse the proposed response as set out in Appendix 1 to this report.

Corporate Policy

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

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £2.144m
 5. Source of funding: Existing controllable revenue budget for 2014/15
-

Staff

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

Legal

1. Legal Requirement: 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 The London Plan was updated to incorporate the Further Alterations to the London Plan (FALP) and published in March 2015. It stated that the Mayor would bring forward additional alterations in early 2015 to reflect Government housing standards and give “active consideration” to addressing changes to national policy on car parking should Government bring these forward. At the end of March a Ministerial Statement introduced new national technical housing standards (on the back of the Deregulation Act), zero carbon homes changes (from the Infrastructure Bill) and amended national planning policy to further support the provision of car parking spaces. The Mayor of London has subsequently drafted amendments to the London Plan in order to address the national changes and is consulting on these as Minor Alterations to the London Plan (MALP) until 22 June 2015. The proposed changes will be considered by an independent planning inspector at a joint public examination later this year.

Proposed changes to housing standards

- 3.2 The new national technical standards include optional Building Regulations for access and water, and a new national space standard. A number of standards such as the Code for Sustainable Homes and Lifetime Homes have been revoked and replaced with reference to the Mayor's Housing Design Guide 2010, the Mayor's Housing SPG and the relevant sections from the Building Regulations. The MALP set out how the London Plan could be updated and amended to reflect the Government's policy changes, either by restating existing policy with additional evidence or by adjusting the policy wording or approach.
- 3.3 Table 3.3 in the London Plan “Minimum Housing Standards” which sets out minimum unit and room sizes has been replaced with a new table which is in line with the new national housing standards (See Appendix 2). There are some changes including the extension of the standards to include larger dwellings, built in storage requirements and slight amendment to the smallest unit size.
- 3.4 Changes to policy on wheelchair housing are proposed to bring the London Plan in line with optional Building Regulations which distinguish between wheelchair user dwellings (Category 3) and homes which can be adapted to meet the needs of a household including a wheelchair user (Category 2). Category 2, is broadly equivalent to the Lifetime Homes standard which the Government have revoked and Category 3 replaces current guidance on housing specifically for wheelchair users. The Minor Alterations propose that 90% of housing to be built as Category 2, and 10% should meet Category 3 level which is the level currently required in new developments.
- 3.5 In terms of water usage, the existing London Plan policy is to be retained. This target, of 105 litres per day, is in line with the new optional National Standards, the Minor Alterations justifying its retention by reference to the fact that London is an area classified as seriously water stressed by the Environment Agency.
- 3.6 The Mayor proposes to retain the current policy position on carbon reduction in new major developments, considering it to be in line with the Government's intentions. Bromley currently defers to the London Plan in this policy area and it is recommended that this continue, although viability will be tested additionally through the Borough's own Local Plan viability assessment. The GLA's viability assessment of the MALP tests the existing carbon reduction policy against a sample of developments across London and concludes that it is still acceptable. It should be noted that amendments have been made to text and figures of the policy to take into account changes in Building Regulations from 2010 to 2013, but the target is effectively the same.

- 3.7 The MALP also reiterate existing London Plan policy and expand upon the Government's approach to allow developments to make a payment for any carbon reduction that cannot be met on site. Payments in this context are referred to as "Allowable Solutions" and Boroughs are encouraged to set up local projects and funds for this purpose.
- 3.8 Alongside the consultation documents the Mayor has also published a Housing Standards Policy Transition Statement which sets out how existing London housing standards should be applied from October 2015 (when the new national standards come into effect) until such time that the Minor Alterations are adopted.
- 3.9 From 1st October 2015, relevant London Plan policy and associated guidance in the Housing Supplementary Planning Guidance (SPG) should be interpreted by reference to the nearest equivalent new national technical standard. The Mayor intends to adopt the new national technical standards through a minor alteration to the London Plan.

Proposed changes on parking standards

- 3.10 Representations were made at the Examination in Public of the Further Alterations to the London Plan in September 2014 and the Outer London Commission (OLC) in March 2015, arguing for the need to allow greater flexibility for boroughs in Outer London to set their own parking standards. Bromley maintains that local characteristics are vitally important and that Boroughs should not be forced to comply with either inappropriate London-wide standards or outer London specific standards.
- 3.11 The MALP proposes allowing outer London boroughs to permit greater parking at new residential developments in low PTAL areas predominantly 0-1 but in some cases PTAL 2, above that which is permitted under the London Plan Standards. It recommends that additional parking be allowed in developments in areas of PTAL 2 if they are located *where the orientation or levels of public transport mean that a development is particularly dependent on car travel*, as Bromley have consistently argued to the GLA and OLC.
- 3.12 The MALP proposes permitting Boroughs to consider revised standards (which could include minima) and permitting higher levels of provision in new residential developments in the areas outlined above. By allowing for Minima, the MALP has moved significantly away from the maximum standards of both the London Plan and the FALP. The increased levels of parking allowed under the MALP would therefore ensure that the emerging Local Plan, which sets minimum standards for residential parking, is in conformity with the London Plan.
- 3.13 Paragraph 6.42k states that in deciding whether or not more generous standards are to be applied, account should be taken of the extent to which public transport might be provided in the future. Consideration should also be given to the impact of on-street parking measures such as CPZs which may also help reduce the potential for overspill parking and congestion, and improve safety and amenity. This is of particular concern given that if public transport investment does not materialise or is some years away, developments will be built with inappropriately low levels of parking. Additional CPZs to protect roads around new developments are also likely to just move parking pressures to the first roads available outside the CPZ increasing pressure on parking in the Borough.
- 3.14 There appears to be some lessening of the importance ascribed to PTALs with the removal of their description as detailed and accurate, although it is still a concern that PTALs are being used to define which areas are more car dependant than others without taking into account more nuanced local characteristics.

4.0 POLICY IMPLICATIONS

4.1 The London Plan forms part of the Development Plan for the Borough with the Council's Local Plan required to be in 'general conformity'.

Non-Applicable Sections:	Legal, Personnel and Financial
Background Documents: (Access via Contact Officer)	National Planning Policy Framework (March 2012) National Planning Practice Guidance, Housing – Optional Technical Standard updated 27 th March 2015 Technical Housing Standards – Nationally Described Space Standard (March 2015) The London Plan (March 2015) Housing Standards Policy Transition Statement (May 2015)

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Boris Johnson MP, Mayor of London
Housing Standards MALP
FREEPOST LON15799
GLA City Hall, post point 18
The Queen's Walk
LONDON SE1 2AA

15 May 2015

Dear Mayor of London,

RE: Bromley Council response to the Minor Alterations to the London Plan

Please see the attached Appendix 1 which sets out the London Borough of Bromley's response to the Minor Alterations to the London Plan (March 2015).

As you will note, our main area for comment is with regard to the parking standards, however we also note the alterations as set out in the Housing Standards consultation document in relation to the following policies;

- Policy 3.5 Quality and design of housing developments (including Table 3.3 Minimum space standards for new development)
- Policy 3.8 Housing choice
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.15 Water use and supplies
- Policy 5.3 Sustainable design and construction
- Policy 7.1 Lifetime neighbourhoods

We will be testing the assumptions and standards for these policy areas as part of the Local Plan process and setting out local policies on these matters where relevant.

We thank you for considering our submission and look forward to seeing the resultant alterations included within the London Plan.

Yours Sincerely

Appendix 1

Housing Standards

The alterations to the housing design and housing choice policies including the amendments to the minimum space standards Table 3.3 to bring the standards in line with the national guidance are noted as are the updates and amendments to the carbon reduction and water usage policies.

The Council note the requirement at Policy 3.5 (c) for LDFs to incorporate requirements for accessibility and adaptability, minimum space standards that generally conform with including those set out in Table 3.3, and water efficiency.

As part of the viability assessment of the emerging Local Plan, Bromley will be looking to test the assumptions on a range of development typologies to ensure policies are achievable at the local level. We note the practical approach to Allowable Solutions for carbon reduction and will be investigating local projects and ways of securing any off-site payments.

Parking Standards

We note the publication of the draft Minor Alterations to the London Plan on 11 May 2015 and welcome the start of the relaxation on parking standards in areas of specifically outer London where parking provision is necessary for the mobility of a significant proportion of residents. However, the whilst to overall direction of the alterations is welcomed, the specific details and extent of the relaxation implicit in the alteration requires further amendment to meet the specific and varied needs of the Outer London Boroughs including Bromley .

The principle outlined in paragraph 6.13e that *outer London boroughs should promote more generous standards for housing development in areas with low public transport accessibility*, is to be welcomed this should go beyond the proposal to allow greater parking in PTALs 0-1 (assumed to refer to both PTALS 1a and 1b) and be extended to PTALs 2 and 3. Specifically that, *Boroughs should consider revised standards (which could include minima) and permitting higher levels of provision*, than allowed for under the existing London Plan standards, is welcomed, however we would like to seek clarity on how far this flexibility extends.

We also welcome the reduction in the purported accuracy of PTALS with the removal of the words 'detailed and accurate', beginning to recognise the misleadingly figurers PTALs can give in relation to radial routes and access to more rural areas of the Borough. Whilst the MALP makes some recognition of the inaccuracies and 'crude' (minutes of OLC sub regional meeting Croydon 10.03.15 Minutes) nature of PTALS with regards to *orientation or levels of public transport mean that a development is particularly dependent on car travel*. We would therefore support the usage of an alternative measure of an area's transport opportunities to PTALS for example Access to Opportunity rating. We therefore look forward to the further advice of the draft Housing SPG and forthcoming TfL guidance on parking and expect these to reflect the concerns expressed about the need for greater parking to be provided at residential developments in Outer London Boroughs.

Paragraph 6.42k is of particular concern. Giving consideration to *public transport might be provided in the future* creates the potential for significant and detrimental under-provision of parking. Given the long-term and at times uncertain nature of public transport investment we feel that it would be irresponsible to base parking provision for new homes on potential public transport investment. If the provision did not materialise then developments would be built with detrimentally low levels of parking with residents in the surrounding road and residents of the development forced to suffer from the effects of short-sighted decision making for many years to come. We also believe that the promotion of additional CPZs to mitigate against the effects of the additional parking resulting from developments in car dependant areas would have one of two effects, either to move the parking problem to the first available road beyond the CPZ as has occurred at locations around the Borough or unfairly limit the mobility options of residents of new developments in areas where a car is a necessity for a number of journeys.

Therefore whilst supportive of the direction of the MALP in allowing Boroughs to permit greater parking in areas where required, we would ask that this flexibility is extended to all areas of PTAL 3 in outer London. Also that decisions do not have to be predicated on potential future public transport provision unless already under construction with completion likely before the completion of the development.

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Report No.
DRR15/059

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

Date: **9th June 2015**

Decision Type: Non Urgent Non-Executive Non-Key

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

Contact Officer: Mary Manuel, Head of Strategic Policy
Email: mary.manuel@bromley.gov.uk

Chief Officer: Chief Planner: Jim Kehoe

Ward: (All Wards);

1. Reason for report

- 1.1 This report seeks the Committee's agreement to Appendix 1 forming the Council's Authority Monitoring Report for 2013/14. Appendix 1 meets the requirement of the Localism Act 2011 for all Local Authorities under section 13 to produce an Authorities Monitoring Report (AMR). The AMR should set out the progress in the implementation of the Local Development Scheme, the progress and effectiveness of the Local Plan and the extent to which the policies set out in the Local Plan are being achieved.
-

2. RECOMMENDATION

- 2.1 That the Committee: Consider Appendix 1 in light of the Council's duty under the Localism Act 2011 and agree it as the Council's AMR for 2013/14.

Corporate Policy

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

Financial

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

Staff

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

Legal

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

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

- 3.1 For 2013-2014 the Authority Monitoring Report (AMR) is based on a similar template to previous years.
- 3.2 Legislation requires the Council to prepare and publish monitoring reports, analysing how planning document preparation work has progressed against the published timetables and the effects that the implementation of policies may be having on the locality. Monitoring is essential in assessing whether existing planning policies are achieving their objectives and to review the progress on the preparation of new planning documents e.g. The Local Plan.
- 3.3 This report contains data on a range of indicators identified by the Council as outlined in relevant sections of the document. These indicators are intended to measure the effectiveness of the Council's planning policies in achieving sustainable development. This means meeting the development needs of the borough whilst achieving a sustainable economy, safeguarding environmental assets, addressing community needs, ensuring accessibility and addressing climate change.
- 3.4 The AMR covers the period April 2013 to the end of March 2014. It includes the monitoring of the Government's increased flexibilities in the planning system and greater permitted development rights, for example, allowing a change of use from office to residential use.

4. POLICY IMPLICATIONS

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

Non-Applicable Sections:	Legal, Personnel and Financial Implications
Background Documents: (Access via Contact Officer)	The Localism Act 2011; The Planning & Compulsory Purchase Act 2004;

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LONDON BOROUGH OF BROMLEY

LOCAL
DEVELOPMENT
FRAMEWORK

AUTHORITY MONITORING REPORT
1ST APRIL 2013 – 31ST MARCH 2014



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1.0 Introduction

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

Background

- 1.3 This is the tenth Local Development Framework Annual Monitoring Report now called the Local plan - Authority Monitoring Report (AMR).
- 1.4 The requirement for a local authority to produce an Authority Monitoring Report is set out in Section 113 of the Localism Act 2011. The Act requires every authority to produce a yearly report containing information on the implementation of the Local Development Scheme, the progress and effectiveness of the Local Plan and the extent to which the planning policies set out in the Local Plan documents are being achieved. Further changes to monitoring guidance are contained within the 2012 Local Planning Regulations
- 1.5 Changes have occurred within the planning system over the past monitoring year, with the introduction of new permitted development rights under the General Permitted Development Order 1995 (as amended) and the National Planning Practice Guidance (March 2014).
- 1.6 This AMR covers the period 1st April 2013 to 31st March 2014.

Bromley Profile

- 1.7 Bromley makes up one of the 33 London Boroughs and is the largest geographically. With a population of just over 306,000 in 2011 and an area of 64 sq miles, Bromley has the fourth highest population amongst the London boroughs.
- 1.8 The Borough occupies a strategic position in the South East of the Capital and South East with rail connections to Central London and easy access to the M25 and National Rail Network and major South East airports.

- 1.9 Bromley is a distinctive part of London's suburbs that is closely connected to London's economy and itself has one of the largest borough economies south of the Thames. Open countryside, protected by the Green Belt that encircles London, makes up over half the Borough. The areas of Green Belt in the Borough has many characterises in common with the rural parts of Kent and Surrey.

Bromley's Population

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

Bromley's Local Plan

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

2.0 Report Highlights

- 2.1 The highlights of the report are set out in two key sections, progress in the plan making progress outlined in the Local Development Scheme and the monitoring results from the saved policies within Bromley's UDP and other core indicators.
- 2.2 **Key aspects of the Local Development Scheme:**
- Bromley Town Centre Area Action Plan (adopted October 2010) continues its implementation. A development programme document for the delivery of the projects continues to be regularly updated.
 - A substantial programme of public consultation commenced in February 2014 on the Draft Policies and Designations stage of the Local Plan preparation This included a 'Call for Sites' which while formally finishing in April 2014, sites and comments continued during 2014.
- 2.3 **Key findings of the Policy Progress Section:**

- The introduction of Permitted Development Rights, (subject to Prior Approval) to change from office to residential introduced at the end of May 2013 saw significant interest in the Borough. Prior Approval was granted for nearly 4,000 sq metre of office floorspace.
- The number of vacant units in the Borough's main town centres has remained largely unchanged.
- 605 homes were built in the period 2013-2014 which exceeded the 2011 London Plan figure of 500 units for the year.

3.0 Development Plan Production

- 3.1 The Council published a revised Local Development Scheme in Autumn 2013 as required by Government, illustrating how the preparation of the development plan documents would be managed. It was considered by the Development Control Committee on 12th September 2013 and referred to the Executive and agreed at its meeting on 16th October 2013. This included an indicative programme for preparing a Community Infrastructure Levy .
- 3.2 Following the consultation on the ' Options and Preferred Strategy' consultation in Spring 2013, and the reporting of the responses to the LDFAP and DCC in the Summer it was agreed that the Preferred Options be progressed to draft policies and site allocations, and the evidence base updated as necessary. The issues of non-conformity with the London Plan were highlighted and Members advised that there would need to be further work in these areas, including discussion with the GLA to find a way forward.
- 3.3 Specific issues/thematic areas were considered by the LDFAP over the year taking the Preferred Options from the 'Options and Preferred Strategy' consultation document through to draft policies and site allocations. The Draft Policies and Designation Document was published in February 2014 with consultation formally ending on the 24th March 2014. This consultation included a 'Call for sites' inviting sites to be submitted for consideration as potential Site Allocations within the emerging Local Plan. The purpose of including Site Allocations is to support the delivery of the Local Plan. Responses to the general consultation and call for sites continued during 2014.
- 3.4 In early 2014 coinciding with the Council's consultation the Mayor of London issued his Further Alterations to the London Plan (FALP). With significant implications for the Borough including an increased housing figure of 641 per annum (up from 500), Bromley Town Centre, proposed as an 'Opportunity Area' , modifications to the residential parking standards, downgrading of the office guideline classification for Bromley Town Centre and Orpington Town Centre the Council made representations. This included representation to the Examination in Public in September 2014. The FALP was later consolidated into the London Plan 2015. Although outside the time for this AMR included as an important matter for the Borough and the Local Plan.

- 3.5 As the Council's Local Plan has to be in 'general conformity' with the London Plan, the resultant amended London Plan sets the context for the preparation of the Draft Local Plan. To align with the new timescale for the preparation of the Local Plan and a Bromley Community Infrastructure Levy the LDS has been revised in March 2015 and Diagram to reflect the more recent changes and is included as Appendix
- 3.6 Updates on the timescales for the Local Plan have been made available on the Council's website outlining the LDS as seen in Appendix 3. The LDS has been updated in March 2015, outside of the formal monitoring period for this AMR.

Bromley Town Centre Area Action Plan

- 3.7 In accordance with the adopted Bromley Town Centre Area Action Plan the Council's Town Centre Development Programme has progressed towards the delivery of the various specified opportunity sites.
- 3.8 The construction of St Mark's Square (Site K) is still in progress, with expected completion in 2016. The Bromley North Village Improvement programme is still underway and expected to be completed by November 2014. The Council terminated its partnership with Muse, the preferred development partner for site G, in March 2014 and will next be considering a revised development approach for the opportunity site. A planning application for Site C (The Old Town Hall) is expected to be submitted by the Cathedral Group in late 2014/early 2015.
- 3.9 The following tables summarise the core and local indicators which have been assessed in terms of their policy performance during the period 2013-14.

Summary of performance

Core output indicators

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

W1	Capacity of new waste management facilities by waste planning authority
W2	Amount of municipal waste arising and managed by waste planning authority

Local indicators

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

4.0 Business Development & Town Centres

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

Indicator	Core BD1: Total amount of additional floorspace – by type
Current Position	B1(c)/B2 = 2,640 sqm B8= 13,334 Sqm

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

Indicator	Core BD3: Employment land supply by type
------------------	---

Current Position	Total land designated Business use = 902,818.6 sqm (land allocated with the UDP as Business Area).
------------------	--

- 4.4 There has been no change in the total land allocated as Business Use.
- 4.5 However, in May 2013, the Town and Country Planning (General Permitted Development) Order 1995 (as amended) allows premises in B1(a) office use at this date to change to C3 residential use, subject to prior approval covering flooding, highways and transport issues and contamination. Approximately 3946sqm of office floorspace has been granted permission to change to residential since this change came into effect. Of this figure, 2169sqm has already been implemented. All prior approval permissions must be built by the end of May 2016 deadline.
- 4.6 Bromley Town Centre and its surroundings are by far the largest centre of employment in the Borough. There are nearly 26,000 jobs based in the area, about a quarter of all jobs in the Borough. Orpington is also a significant employment and secondary office location and the Borough's second largest retail centre.
- 4.7 The Borough's Town Centres continue to be important to attracting a wide range of residents and visitors for shopping, cinema, theatre and restaurants. Bromley Metropolitan town centre remains the Borough's main shopping destination and also enjoys a healthy evening economy with people visiting the Theatre, Pavilion (for leisure purposes), restaurants and bars.
- 4.8 Orpington functions as a strong and vibrant Major centre, offering a good range of shopping, leisure and public amenities. In September 2012 planning permission was granted for the demolition of Crown House and erection of a 7 screen (950 seat) cinema, 3 x restaurants and 4 x retail units in the Walnuts Shopping Centre. The owner is seeking to implement a comprehensive improvement programme for the Walnuts Shopping Centre which will see Crown Buildings redeveloped for additional retail floor-space and a cinema. Authority was obtained to sell the Council's freehold interest in an area adjoining Crown Buildings which is required for the scheme. The Crown Buildings were demolished and the developer has pre-let a sufficient number of the new units. Construction on the site started in early 2014.
- 4.9 Beckenham is the biggest of the five District Centres having a mixture of shops, restaurants, supermarkets, night-club and bars. The London Plan also identifies Beckenham as having a strong evening economy.

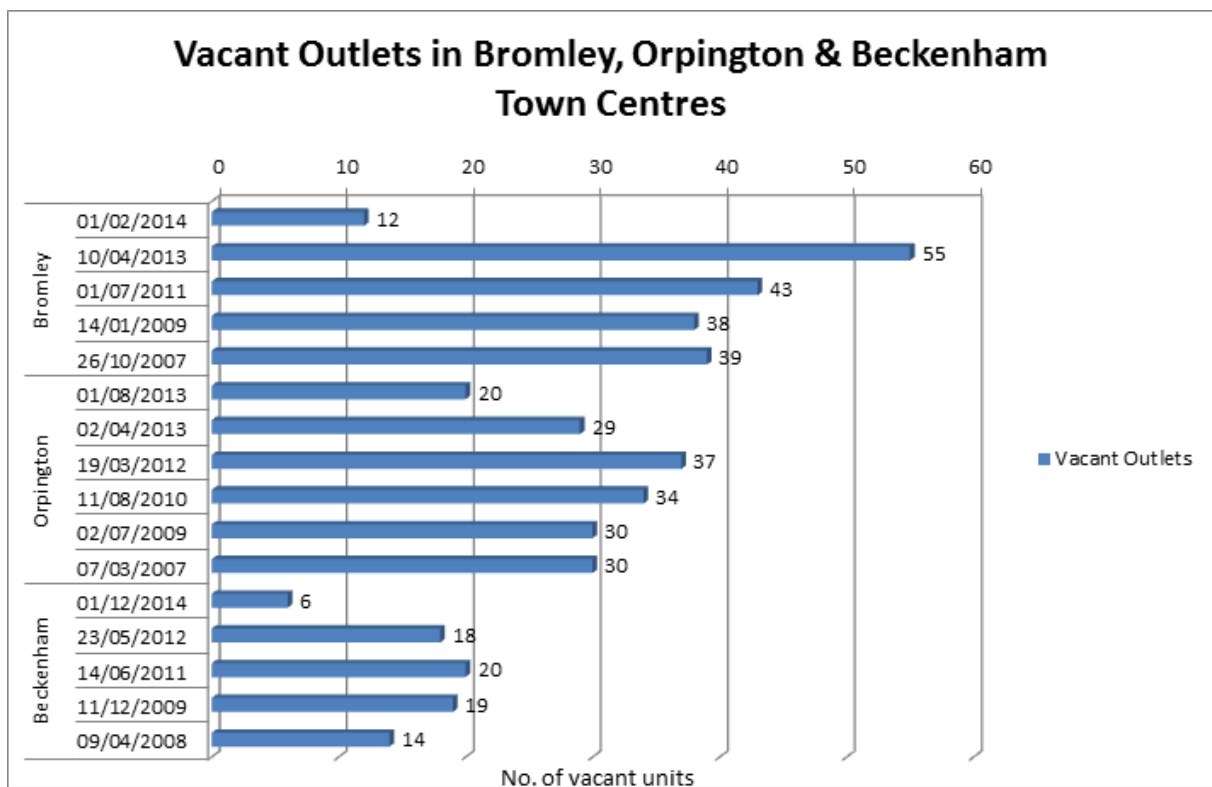
Retail Hierarchy

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

4.10 A network of smaller Local Centres and Neighbourhood Parades primarily offer convenience and 'top up' shopping and services to their localities.

4.11 Bromley produces a Survey of Shop Frontages ever. The last publication covered the period July 2010-2011. The next publication is in 2015/6. s.

Vacant shop premises



Source: GOAD

- 4.11 The Goad centre reports show all three centres are still performing robustly in terms of vacant outlets compared to the national average with a fall in vacancies in early 2014 in line with national trends.
- 4.12 The Borough's Town Centre Managers own recording of vacant units (which measures vacant upper as well as lower units). The data for Bromley Town Centre show an increase in the number of vacant units since 2011, however, the rebranding of The Glades shopping centre in summer 2013 has shown investment in the centre has brought about new retailers including The White Company & the Apple store.
- 4.13 The table below shows recent trends in footfall in Bromley, Orpington and Beckenham town centres. Pedestrian flows "footfall" are key indicators of the vitality of town centres. The Council carries out footfall counts every December.

Town Centre Data	
Bromley - December	
Year	Footfall - December*
2007-08	167,464
2008-09	214,338
2009-10	216,450
2010-11	198,624
2011-12	204,750
2012-13	198,852
2013-14	188,094

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

Town Centre Data	
Orpington - December	
Year	Footfall - December
2007-08	48,435
2008-09	60,984
2009-10	39,336
2010-11	24,084
2011-12	33,084
2012-13	42,468
2013-14	42,216

*Orpington Footfall for the period 2010-11 is considerably lower due to adverse weather conditions on day of count.

Town Centre Data	
Beckenham - December	
Year	Footfall December
2007-08	25,260
2008-09	18,966
2009-10	26,304
2010-11	No data
2011-12	22,746
2012-13	25,158
2013-14 *	20,730

*Beckenham Town centre footfall count for December 2013 took place on a day with high winds and heavy rain- explaining particularly low figure

4.15 In Orpington footfall has held steady in comparison with previous years. In Beckenham the footfall count for December 2013 was lower than expected due to the count taking place on a day of extreme weather. In Bromley the count was lower than expected due to the ongoing street works which had commenced in summer 2013 and had reduced accessibility to some parts of the town centre in the run up to December. For Bromley more reliable method of monitoring via automatic people counters are now in place. The following table shows the monthly count for Bromley from April 2013 to March 2014. Note that this is the first full financial year with complete data so it is not possible to provide comparison with previous year data.

Monthly Customer count	
Bromley Town Centre- Both cameras	
Month	Total Visitors
Apr-13	813,232
May-13	805,603
Jun-13	897,971
Jul-13	977,971
Aug-13	984,858
Sep-13	889,074
Oct-13	917,368
Nov-13	950,921
Dec-13	1,289,481
Jan-14	836,423
Feb-14	763,891
Mar-14	777,490

Source: SPRINGBOARD

4.16 The data below measures the degree to which Class A1 uses predominate in the busiest parts of the Borough’s town centres and use data from the latest GOAD maps.

A1 (shop) uses in core (primary) frontages

Percentage of A1 (retail use) in Bromley Town Centre Primary Retail Frontages (High St only)	
Target:	Retain over 50% of A1 units in primary retail frontage
Current Position:	71.93% of units in core frontages A1 use

Percentage of A1 (retail use) in Orpington Town Centre	
Target:	Retain over 50% of A1 units in primary retail frontage
Current Position:	76.97% of units in core frontages A1 use

Percentage of A1 (retail use) in Beckenham Town Centre	
Target	Retain over 50% of A1 units in primary retail frontage
Current Position:	64.77% of units in core frontages A1 use

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

5.0 HOUSING

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

Indicator	Core H1: Plan period and housing targets
Target	500 units per annum 2011/12-2021/22 = 500 units (London Plan 2011).
Progress/ Target met	605 net units completed in 2013-14

Five year supply position

5.2 The Council's five year housing supply paper was updated by the Council in September 2014. The paper was based on the London Plan period of 2011/12 - 2021/22 to which an annual housing completion target of 500 units relates. An estimate for 2013/14 completions of 600 units was included in the Paper which was in line with actual completions for this time period. In comparison, 646 units were completed in 2012/13, 566 units in 2011/12 and 672 units in 2010/11.

5.3 During the five year housing supply period of 2014/15 – 2018/19 the Council's Paper (September 2014) showed that the Borough needs to deliver 2277 units. The NPPF requires boroughs to demonstrate an additional 5% buffer in their five year supply documents that would increase the figure from 2277 to 2391 units. The Paper showed that there are 2424 deliverable units in the pipeline and concluded that Bromley is able to meet its five year supply target.

5.4 The Council's five year housing supply paper will be formally updated on an annual basis and represents the most current position on housing supply for the Borough. For information, a further five year housing supply update has been produced for June 2015 covering the period 01/04/2015 – 31/03/2020 and incorporates the increased annual housing supply target of 641 units for the Borough (London Plan, 2015).

5.6 The total number of dwellings completed as affordable housing in 2013/14 was 51 units in comparison with 161 units in 2012/13 and 213 units in 2011/12.

Indicator	Core H4: Net additional pitches (Gypsy and Traveller)
Target	The London Plan (2011) does not set borough targets, but requires in Policy 3.8 that local authorities ensure that the accommodation requirements of gypsies and travellers (including travelling show people) are identified and addressed in line with national policy, in co-ordination with neighbouring boroughs and districts as appropriate.
Progress/Target met	<ul style="list-style-type: none"> • The Council has consulted on it's emerging "Travellers Accommodation" policy in the Draft Policies and Designations Consultation (Feb 2014). The draft Local Plan is supported by an evidence base / needs assessment and the draft policy sets out the approach to addressing the identified need. • An appeal for 5 pitches on an existing private traveller site was granted permission on appeal (Aug 2013). These pitches have been incorporated into the Local Plan evidence base and contribute to meeting the identified need. • In October 2013 the Court of Appeal quashed an Inspectors decision (July 2011) to refuse temporary planning permission on an unauthorised site.

6.0 The Natural Environment

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

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

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

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

Indicator	Core W2: Amount of municipal waste arising and managed by type by waste planning authority
Current Position	<p><u>2012-2013 figures</u></p> <p>Total municipal waste = 145,577 Household waste = 125,794 Landfill= 37,732 Incineration (waste to energy) 44,794 Dry recycling = 36,560 Composting = 25,459 Inert waste = 1,033 Recycling rate = 50%</p>

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

7.0 Built Environment

- 7.1 During 2013-2014, 982 applications were considered within conservation areas and 50 applications were received for listed building consents.
- 7.2 The Council's Advisory Panel for Conservation Areas (APCA) met on 12 occasions and considered approximately 240 applications. A total of 815 address points are listed on the statutory list with 2155 address points listed on the local list.
- 7.3 Just over 9000 hectares of the Borough is Green Belt or Metropolitan Open Land. It is estimated that there is about 4 hectares of publicly accessible open space per 1000 population.
- 7.4 275 applications were submitted in 2013/14 in respect of Green Belt, Metropolitan Open Land and Urban Open Space. All of the applications related to householder extensions, certificates of lawful development, advertisement and change of use applications. The loss of Green Belt, MOL and UOS was minimal.
- 7.5 Bromley is well served in terms of playing fields and outdoor recreation facilities. An audit of playing pitches and open spaces (2003) confirmed that the Borough has a total of 488 pitches of which 293 (60%) are secured for community use. At that time, the ratio of adult pitches per 1000 adults has 1:735, which was above that of all other London Boroughs and above the estimated national average of 1:989 people. Based on the situation at that time, the audit indicated that the Borough had a playing field standard of 0.9ha per 1000 population.

8.0 Community Facilities

- 8.1 86 applications relating community facilities were on determined for a range of development proposals in 70 community facility locations. Of these 6 applications were refused. All but 4 of the 27 less complex applications (amendments, variations of conditions, listed buildings consents, tree preservation orders, demolition consents and a certificate of lawfulness) were permitted, consented or allowed.
- 8.2 A further 4 applications were submitted but subsequently withdrawn and 7 pre application cases were addressed.
- 8.3 Trends in respect of the more significant applications are set out below. Although there were fewer applications relating to community facilities during the period, than in the previous year, the continuing pressure for school expansions bucks that trend.

Education

- 8.4 Of the 86 applications lodged, 37, relate to school provision and 3 relate to day nurseries. These proposals reflect the population trends which continue to impact on early years and the primary school sector, and which became apparent in the previous two AMRs with the provision of additional primary places. They also reflect a response to the changes in secondary provision resulting from the increase in the school leaving age.
- 8.5 Significant developments include a new 2 storey building to provide 20 classrooms at Bullers Wood School for Girls as well as additional new teaching space at a number of primary schools, including Scotts Park Primary, Clare House Primary, Worsley Bridge
- 8.6 2 pre application cases were considered.
- 8.7 Whilst no school applications were refused 2 were withdrawn, one relating to a proposal for 2 additional classrooms and parking expansion and another relating to the felling of a tree .

Health and Social Care

- 8.8 5 applications were received and 1 refused and another 1 withdrawn.
- 8.9 Three minor applications were made in relation to care homes / day care centres and a minor amendment to a former care home site. (which already benefits from a permission for residential development)

Sports and Recreation

- 8.10 12 applications were determined relating to sports facilities. Whilst the majority did not increase the capacity of the facilities, relating to trees,

signage, telecoms etc. the applications included a new single storey pavilion building at Old Wilsonians Sports Club and the erection of a replacement clubhouse new changing facilities and multi-purpose hall at Orpington Sports Club. In addition, a single storey extension was made to the gymnasium at Park Langley Tennis Club.

- 8.11 A Pre-application was made for four detached houses on the site of Cyphers Indoor Bowling Club which was accepted but a full application is yet to be filed.
- 8.12 Farnborough Sports Club had their application to use one of their existing buildings as a Nursery during the week, accepted.

Places of Worship

- 8.13 13 applications and 3 pre-application cases related to the sites of places of worship. This included enhancements to facilities and tree works on a number of sites
- 8.14 The proposals also included the redevelopment of church / church hall sites for residential development at St Michael And All Angels Church Ravenscroft Road, Beckenham and West Wickham Methodist Church And Church Hall Hawes Lane. Additionally Pratts Bottom Free Church Hall was given permission for use as a day nursery,

Public Conveniences

- 8.15 Applications first seen last year, relating to the sale of a number of public conveniences continue to be received. Notably including the permission for the change of use to retail (class A1) of the former Petts Wood public convenience building

Other Community Facilities

- 8.19 Six applications were received relating to minor alterations and enhancements to community halls and a further four applications relating to the conversion or redevelopment of redundant police stations in Penge and Orpington

Appendices

Appendix 1 List of all the S106 agreements agreed in 2013-14.

Appendix 2 List of the saved & expired policies from the Local Plan

Appendix 3 Timescales for the Local Plan (revised)

Appendix 1 – S106 agreements 2013-2014

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

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

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

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

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

Appendix 2: Saved & expired policies from the Local Plan

Expired policies

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

Saved policies

Housing policies

H1	Housing Supply
H2	Affordable Housing

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

Transport policies

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

Conservation and the Built Environment

BE1	Design of New Development
BE2	Mixed Use Development
BE3	Buildings in Rural Areas
BE4	Public Realm
BE5	Public Art
BE7	Railings, Boundary Walls and Other Means of Enclosure
BE8	Statutory Listed Buildings
BE9	Demolition of a listed building
BE10	Locally Listed Buildings
BE11	Conservation Areas
BE12	Demolition in conservation areas
BE13	Development adjacent to a conservation area
BE14	Trees in Conservation Areas
BE15	Historic Parks and Gardens
BE16	Ancient Monuments and Archaeology
BE17	High Buildings
BE18	The Skyline
BE19	Shopfronts
BE20	Security Shutters
BE21	Control of Advertisements, Hoardings and Signs
BE22	Telecommunications Apparatus
BE23	Satellite Dishes

The Natural Environment

NE1	Development and SSSIs
NE2	Development and Nature Conservation Sites
NE3	Nature Conservation and Development
NE4	Additional Nature Conservation Sites

NE5	Protected Species
NE6	World Heritage Site
NE7	Development and Trees
NE8	Conservation and Management of Trees and Woodlands
NE9	Hedgerows and Development
NE11	Kent North Downs Area of Outstanding Natural Beauty
NE12	Landscape Quality and Character

Green Belt and Open Space

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

Recreation, Leisure and Tourism

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

Business and Regeneration

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

Town Centres and Shopping

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

Biggin Hill

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

Community Services

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

Environmental Resources

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

Implementation

IMP1	Planning Obligations
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Appendix 3: Timescales for Local Plan

BROMLEY LOCAL DEVELOPMENT SCHEME 2015-2016

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.

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Application No : 15/00969/FULL2

Ward:
Orpington

Address : Manorfields Avalon Road Orpington
BR6 9BE

OS Grid Ref: E: 547651 N: 165567

Applicant : Mr M Harrison

Objections : YES

Description of Development:

Change of use from care home for the elderly (Class C2) to short term accommodation for the homeless (Sui Generis), refuse store and alterations to fenestration

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Local Distributor Roads
Smoke Control SCA 31

Proposal

Planning permission is sought for the change of use of the existing building from a care home for the elderly (Class C2) to short term accommodation for the homeless (sui generis). A total of 42 units will be provided (24 x one bedroom, 15 x two bedroom and 3 x three bedroom units), with shared/communal facilities.

The planning application is submitted by The London Borough of Bromley Housing Needs, Education and Care Services Department and managing agents Orchard & Shipman. It is noted that the Education and Care Services Department is entirely separate from the Planning Department and the application has been considered on its own merits in the context of prevailing planning policy.

The planning application is accompanied by a Planning Statement (contained in the covering letter), Secure by Design Review, and Capability Statement (providing details in respect of the proposed management of Manorfields). These documents provide a detailed explanation of the proposals and a concise overview of the main points is provided below.

The site will provide accommodation for homeless families. The buildings will be converted into 42 units (24 x one bedroom, 15 x two bedroom and 3 x three bedroom units), ranging in size with shared/communal facilities, with the aim of ensuring that a wide range of homeless individual's and families' needs are catered for. 17 car parking spaces are provided as part of the proposal (in front of the

building adjacent to Avalon Road and to the east of the building within the confines of the existing site).

Tenants will be referred direct by the managing agents, Orchard & Shipman, and by Bromley's Housing Department. Potential tenants will have to be assessed as homeless and have the right to live within Bromley. It is indicated that the accommodation will predominantly be occupied by families to provide short term temporary housing for periods of between 12 and 16 weeks until more permanent accommodation can be identified. All tenants will have low to medium support needs.

In terms of the management of the facility, the applicants have advised as follows. A member of staff will be present on site 24 hours a day, 365 days a year, who will manage the facility, support tenants and ensure that any complaints are dealt with swiftly. Local residents will be given a 24 hour number to call if they experience any problems related to the facility. Robust management of the facility will ensure that criminal or anti-social behaviour will not be tolerated and any impacts arising from the facility on local residents will be kept to an absolute minimum. Appropriate door entry systems and access control systems will be provided as set out in the Secure by Design Report that accompanies the application.

The Capability Statement submitted to accompany the application provides further details on the management of the proposed facility together with the experience of the operator, Orchard & Shipman in running such facilities.

The external changes to the existing building have been kept to a minimum and comprise the following:

- The insertion of two windows in the western elevation which fronts onto Leeds Close;
- The replacement of a glazed door with a new UPVC window in the southern elevation;
- The erection of a detached bin store located on the eastern side of the building and the formation of an enclosed bin store which (which would be attached to the building) on the western side;

In response to comments received from Environmental Health Housing (as set out above) the proposal has been amended as follows:

- Rooms 56, 57 and 64 now have windows. The applicant's agent has advised that these were all existing windows and were omitted due to an oversight on the original drawing;
- Ground Floor Studio flat (Room 22) has been increased in size and now exceeds the minimum requirement on 20 sqm. This has been achieved by the deletion of Room 19 which was a former store room;
- Bathroom facilities for Rooms 12, 38, 52 and 89 have been upgraded to bathrooms that comprise a hand basin, W/C and either a bath or shower facilities. These were originally shown as toilets (hand basin and W/C facilities).

- The kitchens to Rooms 81 and 108 have been increased from two sets of appliances to three sets. All three kitchens within the building will therefore have three sets which, as stated in the EH response, is acceptable given that the kitchens are combined with large dining room/living areas. This will ensure that the provision of kitchen facilities allows for the appropriate occupation of the HMO.

Internal alterations have also been kept to a minimum, and do not require planning permission in their own right.

The applicants have undertaken consultation with local residents to inform the design of the proposals. They circulated leaflets informing local people and seeking any feedback on the proposals. They have provided a brief summary of the main themes in respect of the responses as part of the application submission.

Location

The application site is located on Avalon Road, opposite the junction with Avalon Close. The area surrounding the site is predominately residential. The site is bounded to the north by 'Manor Fields' which is a small cul-de-sac of terraced bungalows providing 'homes for the aged'. The site shares its boundaries to the south and east with a number of existing dwellinghouses. To the west, the site shares its boundary with the grounds and playing fields of Burwood School.

This square shaped site is occupied by a range of buildings (predominantly single storey) that previously formed part of Manorfields Care Home (for the elderly). The care home closed in 2012 and the buildings have since remained vacant. The applicant has advised that the care home closed as it was no longer suitable as a care home as the standard of accommodation did not meet modern standards and the costs of upgrading it to the required standard was prohibitive.

The existing buildings enclose a central courtyard that is grassed and contains a number of mature trees. Vehicular access to the site is achieved from Avalon Road via Leeds Close, or via an access located along the eastern boundary of the site. Car parking is provided on an area of hard standing in front of the buildings on Avalon Road.

Comments from Local Residents

Nearby owners/occupiers were notified of the application by letter. In addition a site notice was displayed at the site and an advertisement published in the local press.

Letters of Objection

A substantial number of representations were received (350+) in respect of the application. Comments received in response can be summarised as follows:

- Unsustainable development;
- Disruption, noise crime and anti-social behaviour;

- Inappropriate site location;
- Change character of area, totally unsuitable and out of keeping;
- Intensification of use of the site and more comings and goings which is unacceptable;
- Don't accept no material increase in activity when compared to care home;
- Impact on local amenities, transport, schools, medical and social care facilities;
- Inappropriate for homeless people to have shared facilities;
- Too remote and inaccessible and too far from local services and facilities;
- Increase in traffic/congestion;
- Insufficient car parking and access to local transport facilities;
- Overcrowding;
- Residents fear for their safety and that of their property;
- Ideally suited as home for the elderly and the use should be reinstated;
- Security measures have not been clearly explained;
- Met Police Designing Out Crime team have concerns;
- Access to Leeds Close will be compromised, due to overcrowding and car parking;
- Bellegrave is not a comparable example as it is not in a primarily residential area;
- Shortage of care home spaces for elderly
- Illogical to put home for homeless next door to school for troubled teenagers;
- Management of the site could change and can't be guaranteed;
- Site should be redeveloped for housing;
- Residents of homeless accommodation will be cut off from services/facilities unless they have a car but there is insufficient car parking
- Assurances by Orchard & Shipman underplay problem related incidents at their facilities;
- The homeless accommodation would be harmful to those who would be accommodated in it;
- The proposals do not confirm the exact number or types of persons to be housed here;
- In the event that the application is granted a Condition should be imposed seeking to cease the operation of the facility within 5 days of the date of opening, in the interests of the future development of the site and residential amenity.

A detailed letter was also received from the AAAG (Avalon Area Action Group) which the group advises has in excess of 250 members. The letter summarises the representations of its members which are outlined above. The group claims that the applicant is clearly 'The London Borough of Bromley' and there is a risk that the application will not be considered fairly as a result of that and that there is a risk of pre-determination. AAAG also expresses concern about what it considers to be the cursory nature of the applicant's pre-application consultation and the lack of detail contained within the planning application. It criticises the fact that it considers that there are no supporting studies on the likely impacts of the proposals.

AAAG emphasises that the proposal is not directly comparable with Bellegrove as indicated by the applicant's agent. AAAG describes them as fundamentally different and suggests that the operation of Bellgrove cannot be used as evidence of how the Manorfield proposal would operate if permitted.

AAAG suggests that the site is inaccessible and unsustainable, and insufficient evidence has been submitted to justify what it considers to be an inadequate level of car parking provision. It indicates that a Transport Assessment should have been submitted to provide the evidence base to realistically identify the number of trips that the proposal will generate and to justify the level of car parking proposed.

AAAG questions whether the impact on local services has been properly assessed and it directly questions whether there are sufficient school spaces to accommodate the additional demand generated by this proposal.

AAAG expresses strong concerns about the impact of the proposal on the safety and security of local residents. It considers that the application proposal does not provide sufficient detail on the numbers and types of people that would be housed within the scheme and the level of support and care that they will require.

AAAG summarises its position by indicating that it considers that the proposal is unsustainable, in breach of the development plan in numerous respects, and is widely harmful in its impacts, and it challenges the track record of Orchard and Shipman.

Support

One letter has been received which includes comments indicating that there has been a lot of scaremongering about the proposals and that things need to be kept in proportion.

Comments from Consultees

Cleansing - No objections received.

Designing Out Crime Adviser - advises that the measures proposed would not at present result in achieving Secured by Design Certification because they do not meet the enhanced security standards required. As a result the application does not demonstrate how such measures are to be incorporated into the development. However, the Metropolitan Police adviser has also indicated that he sees no reason why the application should not be able to achieve secured by Design Certification and the Guidance of New Homes 2014, by incorporating accredited, tested and certificated products and by target hardening specific areas. He has therefore suggested that a Secured by Design condition should be attached to any permission and the wording should be that the development will achieve certification, not merely seeking to achieve accreditation.

Environmental Health Housing - EHH has advised that rooms 56, 57 and 64 appear not to have windows and therefore lack natural light and ventilation.

In terms of the ground floor flat (Room 22) the GIA of the flat is 23 sqm which is below the minimum recommended in the London Plan of 37 sqm. In respect of the ground floor flat (Rooms 99-104) the flats GIA will be approx. 53 sqm which is also below the minimum recommended in the London Plan of 61 sqm.

Whilst it would normally not be acceptable to allow a kitchen with three sets of facilities, the kitchens indicated are in excess of 17.5 sqm in size and are combined with large dining/living areas and would, therefore in this case be acceptable for up to 15 persons.

The maximum occupation of the one, two and three room units within the House in Multiple Occupation (HMO) (not the self contained units) will be 50 persons (any age).

Highways - The site is in a low (1b) PTAL area. The proposal include 17 car parking spaces for the 42 units (0.4 spaces per unit). If the flats were for sale we would be looking for 42 spaces. If they were socially rented the UDP standards would give 26 spaces. There seems to be very little information about parking for this type of use. It may be that the car ownership is likely to be lower than with socially rented units by virtue of the position that the occupants find themselves in.

The applicant refers to another similar development at Mickleham Road which is under the same management, where 18 spaces were provided for 38 flats. They indicate that the number of cars parked on site there ranged from 6 during the day to 12 overnight (0.32 spaces per unit) which would equate to 13 spaces for this development. Based on this the 17 spaces would appear to be adequate and I would have no evidence to counteract it.

Planning Considerations

The application should be considered against the following policies:

Unitary Development Plan

H4 Supported Housing - seeks to increase the provision of supported housing except where it can be demonstrated that there would be significant harm to residential amenity.

BE1 Design of New Development - requires new development to be of a high standard of design and layout, development proposal should be imaginative and complement the scale form and layout of adjacent buildings and areas and should respect the amenity of occupiers of neighbouring buildings.

C1 Community Facilities - proposals for development for changes of use that meet an identified health, education, social, faith or other needs of particular communities will normally be permitted provided it is accessible by means other than the private car and by those that it is intended to serve.

T3 Parking - off-street parking in respect of new developments will be expected to be provided at levels no higher than the parking standards set out in Appendix II of the UDP.

T7 Cyclists - The impact of proposals on cyclists will be considered and the provision of suitable facilities including cycle parking/storage and where appropriate contributions to the Local Cycle Network will be sought.

T18 Road Safety - The potential impact of proposals on road safety will be considered and the Council will seek to ensure that road safety is not adversely affected.

London Plan

3.3 Increasing Housing Supply - the Mayor is seeking to ensure that housing need is met.

3.8 Housing Choice - encourages new developments to include a range of housing choice of housing in terms of housing sizes and types that are suitable to meet the needs of a range of housing groups.

3.9 Mixed and balanced communities - promotes communities including mixed tenure and income and developments which foster social diversity, redress social exclusion and strengthen communities' sense of responsibility for, and identity with, their neighbourhoods.

6.13 Parking - seeks an appropriate balance between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and the use of public transport.

NPPF

The National Planning Policy Framework (NPPF), and in particular:

Paragraph 50 of the NPPF emphasises the need for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

Paragraph 51 encourages the bringing back into residential use of empty housing and buildings.

Planning History

Ref: 07/03468 In January 2008, planning permission was granted for a part two/three storey building comprising a 60 bedroom care home and 16 bedroom specialist care unit with 25 car parking spaces, bicycle parking and refuse storage (not implemented).

Ref: 89/03506 In December 1989 planning permission was granted for a single storey infill side extension.

Ref: 82/02880 In June 1983 planning permission was granted for 8 one bedroom bungalows for the elderly and landscaping details in respect of this proposal were agreed under Ref: 82/0180.

Conclusions

The main issues for consideration in this case will be; the principle of the use, the impact of the proposed use on the character of the area, the impact on the amenities of the occupiers of surrounding residential properties, the impact upon community safety, any visual impact resulting from the external changes to the building, and the impact upon parking levels and the existing road network.

The Principle of the Use

In planning policy terms the proposal complies with the Community Services Objectives outlined in the UDP, and is broadly in accordance with Policy C1 as it comprises a change of use that meets an identified social need. It also contributes to the choice and range of housing available in the Borough and the provision of supported housing which are the objectives of Policy H4 of the UDP and para 3.3 and 3.8 of the London Plan, subject to the proposals not resulting in significant harm to residential amenity.

Although the proposal results in the change of use of a care home for the elderly, Manorfields closed in 2012 and the buildings have since remained vacant, so no residents will be displaced as part of these proposals. Furthermore, the building requires minimal adaption to provide effective accommodation for homeless persons and the proposal is therefore considered to represent an effective reuse of a vacant building and contribute towards meeting the Borough's housing needs.

Impact on Residential Amenity

In terms of the issue of residential amenity, it is considered that the proposal could result in a more intensive use of the site, with more comings and goings by residents than that associated with the former care home. However, the number of staff required to manage and run the premises and provide the level of care required for the residents is considered to be less than was the case in respect of the former care home. The applicants have advised that the occupiers of the proposed accommodation for the homeless will all have low to medium support needs and will therefore require relatively low levels of care and assistance, when compared to elderly residents. On balance, it is therefore considered that the proposed use will not, in itself, give rise to a significant loss of amenity to neighbouring residents as a result of any intensification of the use.

Members will note that strong objections have been received from local residents, with particular regard to the nature of the future occupiers of the accommodation, and the potential for an increase in noise and disturbance, crime and anti-social behaviour. As noted above, whilst it is acknowledged that there may be a modest increase in the intensification of the use of the site, it is not expected that this will give rise to a significant loss of amenity.

With regard to noise, crime and anti-social behaviour, the Applicant's agent has sought to offer reassurances on this matter, and advises that the premises will be managed by an experienced management company, Orchard & Shipman, who will ensure that a high standard of behaviour is maintained and that any issues that may arise can be tackled promptly. All tenants will be required to sign an occupancy contract, which requires them to adhere to standard terms and conditions relating to their continued occupancy in temporary housing. This ensures that standards and levels of behaviour are maintained and that any issues that arise can be tackled promptly in order to maintain a comfortable environment for residents and not impose on the amenities of neighbours. Planning conditions are proposed in respect of the details of the proposed CCTV system and to ensure that the development achieves the Secure by Design Certification.

On balance it is therefore considered that the proposal is unlikely to have an unacceptable impact on residential amenity, although it is recognised that many local residents do not agree with this and are apprehensive about the proposal and consider that it is likely to lead to an increase in crime and the fear of crime.

External Changes

The proposal will only involve very limited external alterations to the building, including very limited alterations to fenestration and doors and the construction of two new bin stores, as set out above. It is considered that these external changes will be barely perceptible when the building is viewed from the street.

The proposed bin stores are relatively modest in size and will be well screened from the adjoining sites/properties by the existing confines of the site and boundary screening.

The construction of the bin stores and the other external alterations to the building are therefore not considered likely to result in any adverse impact on the street scene or the visual or residential amenities of the occupiers of surrounding residential properties.

Highways Impacts and Access Arrangements

The site is located approximately 1 mile from Orpington Town Centre. It is within close proximity to bus stops for the R9 serving both directions which provide access to Orpington town centre.

In respect of parking issues, Members will note the technical advice from Highways which indicates that the parking provision on-site is lower than would be expected for market or affordable housing, but that car ownership for this type of accommodation may well be lower by virtue of the position the occupants find themselves in. Indeed, as the accommodation proposed is specifically for the homeless, it is not anticipated that car ownership levels will be high and Members may agree that in this instance the on-site parking provision of 17 spaces is acceptable, on the basis that any change of use would require planning permission and the matter could be reassessed at that time.

In view of the nature of the proposed use the proposal is considered to provide sufficient car parking for the residents and visitors.

House Prices

Any perceived impact of the proposal on house prices is not a material planning consideration.

Summary

The proposal will bring a vacant former care home back into useful occupation whilst contributing towards meeting an identified need for additional accommodation for homeless people in the Borough. The concerns raised by local residents are acknowledged, and Members are asked to carefully consider these in the determination of this application. However, on balance, the proposal is considered to accord with planning policy and in particular is not likely to give rise to a significant loss of residential amenity or be detrimental to highway safety and permission is recommended. Background papers referred to during production of this report comprise all correspondence on the file ref(s) 15/00969, 07/03468, 89/03506, 82/02880, and 82/0180 set out in the Planning History section above, excluding exempt information.

as amended by documents received on 26.05.2015

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACK01 Compliance with submitted plan

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

- 3 ACH19 Refuse storage - implementation
 ACH19R Reason H19
- 4 ACH03 Satisfactory parking - full application
 ACH03R Reason H03

5 The proposed development is required to Secure by Design Certification prior to the first occupation of the development hereby permitted.

Reason: In the interests of safety and security and to accord with Policy BE1 of the Unitary Development Plan.

- 6 ACK21 Details of CCTV scheme
 ACK21R Reason K21

INFORMATIVE(S)

- 1 You are advised that this proposal is not liable for payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008.

Report No.
DRR15/064

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Tuesday 9 June 2015

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

Title: LAND ADJACENT TO THE DRIFT, KESTON BR2 8HL

Contact Officer: Tim Horsman, Planning Development Control Manager
Tel: 020 8313 4956 E-mail: Tim.Horsman@bromley.gov.uk

Chief Officer: Chief Planner

Ward: Bromley Common and Keston;

1. Reason for report

An area of land adjacent to The Drift and fronting Croydon Road in Keston has been identified as being a sensitive area of Green Belt and vulnerable to development that may be carried out under permitted development and could harm the openness and character of the area.

2. **RECOMMENDATION(S)**

Members are asked to agree that the Portfolio Holder authorise an Article 4 Direction for land adjacent to The Drift to remove permitted development rights for the following classes of development in the Town and Country Planning (General Permitted Development) Order 2015:

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

and that the Direction be made with immediate effect for the classes of development specified in (i) to (iv) as the Council considers that development be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area.

Corporate Policy

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

Financial

1. Cost of proposal: Cannot be quantified at this time
 2. Ongoing costs: Non-Recurring Cost:
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £2.144m
 5. Source of funding: Existing revenue budget 2015/16
-

Staff

1. Number of staff (current and additional): 65.22 FTEs
 2. If from existing staff resources, number of staff hours: 5
-

Legal

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

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: Request for Direction from Ward Councillor

3. COMMENTARY

- 3.1 The land adjacent to The Drift in Keston is a sensitively located area of open land of approximately 1.8 hectares which provides an important visual break in the locality and is designated Green Belt due to its openness and character. Given its location it is land which is vulnerable to a number of forms of potential development which would be permitted under the Town and Country Planning (General Permitted Development) Order 2015 (referred to as the GPDO), but would have potential to harm the openness and landscape character of this land.
- 3.2 In particular the subdivision of the land into smaller plots by the erection of fencing, structures, temporary uses of land and other forms of development which would be permitted development under the General Permitted Development Order, over which the Council would otherwise have no control. It is therefore on that basis expedient to issue an Article 4 direction.
- 3.3 The specified classes of permitted development for which it would be appropriate to bring within planning control at this location are considered to be:
- (i) Erection or construction of gates, fences walls or other means of enclosure (Class A of Part 2);
 - (ii) Formation, laying out and construction of a means of access ... (Class B of Part 2);
 - (iii) Provision of temporary buildings, etc. (Class A of Part 4);
 - (iv) Use of land for any purpose for not more than 28 days per year (Class B of Part 4);
 - (v) Use of land as a caravan site ... (Class A of Part 5).
- 3.4 Development which would normally be permitted under Part 6 (“agricultural permitted development”) may also potentially threaten the protection of the land. This would include the erection of agricultural buildings, engineering operations, excavations and provision of hard surfaces for the purposes of agriculture. However, as the lawful use of the land remains agriculture which is an appropriate Green Belt use, it is considered that the provisions for prior notification for agricultural buildings and related development provide sufficient control, which include a requirement for such development to be for a legitimate agricultural business.

Compensation

- 3.5 Local Planning authorities are liable to pay compensation to landowners who would have been able to develop under the PD rights that an Article 4 Direction withdraws, if they:
- Refuse planning permission for development which would have been permitted development if it were not for an Article 4 Direction; or
 - Grant planning permission subject to more limiting conditions than the GPDO would normally allow, as a result of an Article 4 Direction being in place.
- 3.6 Compensation may be claimed for *abortive expenditure* or other loss or damage *directly* attributable to the withdrawal of PD rights.
- 3.7 ‘Abortive expenditure’ includes works carried out under the PD rights before they were removed, as well as the preparation of plans for the purposes of any work. The amounts involved under this may be modest but could accumulate over time and become burdensome

- 3.8 Loss or damage directly attributable to the withdrawal of permitted development rights would include the depreciation in the value of land or a building(s), when its value with the permitted development right is compared to its value without the right.
- 3.9 In this case, the immediate withdrawal of permitted development rights could attract claims. The risk of numerous claims is not assessed as high, based on the minimal amount of development to date. The Direction with immediate effect is recommended so as to prevent damage to the landscape and Green Belt objectives. It is difficult to be precise about the scale of possible compensation but it is in proportion to the type of Permitted Development rights that are withdrawn. In this instance, these are the rights set out in paragraph 3.3 above, which we can indicate are relatively low in value when compared with other forms of development. This risk should also be considered against the possible damage to the planning objectives for the landscape and Green Belt.

4. POLICY IMPLICATIONS

The strategic objectives of the UDP, adopted in July 2006, include: “To protect, promote, enhance and actively manage the natural environment, landscape and biodiversity of the Borough. Also: “To protect the Green Belt, ... from inappropriate development ...”. The making of an Article 4(1) direction is consistent with those objectives and with the objectives of the National Planning Policy Framework 2012.

5. FINANCIAL IMPLICATIONS

- 5.1 As referred to above, the withdrawal of permitted development rights for certain classes of development as a result of issuing an immediate Article 4 Direction, may give rise to claims for compensation by land owners in certain circumstances, for example in the event of planning permission being refused for development which would otherwise not require permission. To attract a claim for compensation the application for permission must be made before the end of 12 months beginning with the date on which the Direction takes effect.
- 5.2 At this moment in time, it is not possible to quantify the number or value of claims that may be submitted for compensation, however planning officers consider there to be a low risk of numerous claims being submitted based on the minimal amount of development to date. Also, the rights being withdrawn are relatively low in value when compared with other forms of development.
- 5.3 It is possible to avoid a claim for compensation by giving the prescribed notice of not less than 12 months of the withdrawal of the permitted development rights.

6. LEGAL IMPLICATIONS

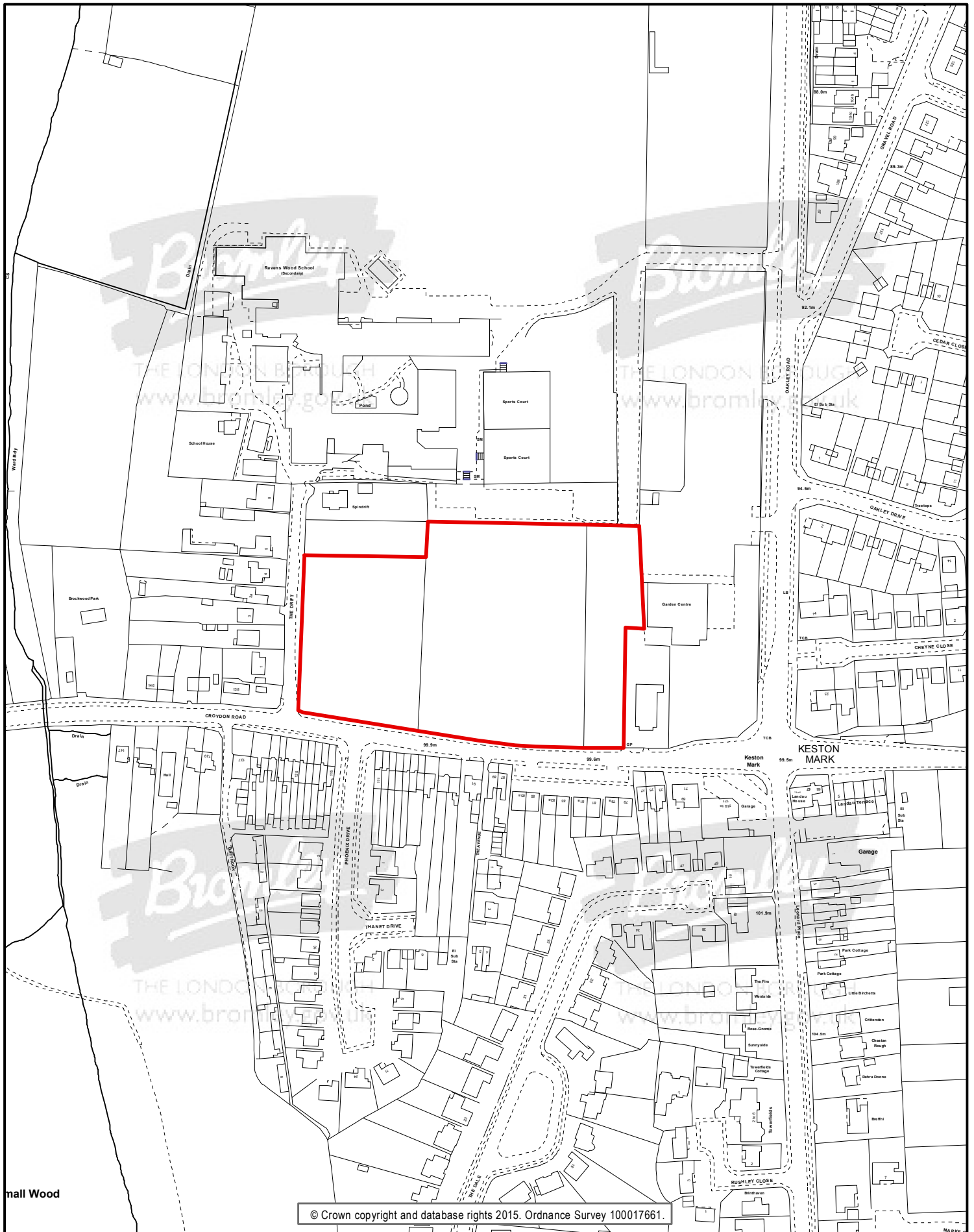
- 6.1 There are two categories of Article 4 directions which are relevant in this case.
- 6.2 The first category is for directions which are able to take effect from the time they are made by the local planning authority but which lapse after six months if not confirmed by the Council. This category extends to directions relating only to development permitted by certain Parts of the GPDO if the local planning authority consider the development would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area. Therefore this direction only relates to para 3.3 (i) – (iv).
- 6.3 The second relevant Article 4 category is for directions which can only take effect after notice has been given of the making of the direction and the Council has considered any representations received.. This direction relates to para 3.3 (v)

7. PERSONNEL IMPLICATIONS

No significant implications given the size of the land concerned.

Non-Applicable Sections:	None
Background Documents: (Access via Contact Officer)	Town and Country Planning (General Permitted Development) Order 2015

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TOWN PLANNING



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

**ARTICLE 4 DIRECTION
 CONCERNING
 THE DRIFT,
 KESTON.**

Scale 1:2,500



29/05/15
 Page 97

Plan No. 5704

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Report No.
DRR15/045

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE
R&R PORTFOLIO HOLDER FOR PRE-DECISION SCRUTINY BY
THE R&R PDS COMMITTEE

Date: 9 June 2015
24 June 2015

Decision Type: Non-Urgent Executive Non-Key

Title: CONFIRMATION OF PROPOSED ARTICLE 4 DIRECTIONS
BROMLEY TOWN CENTRE

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: Bromley Town;

1. This report asks Members to consider the confirmation of the proposed Article 4 Directions for three areas of Bromley Town Centre shown on the attached map on the basis that it is expedient to do so to avoid harmful impacts upon the local economy. These were advertised as three separate non –immediate Article 4 Directions in July last year, with the intention that they should not come into effect before 31st July 2015. The responses to the consultation should be taken into account.
2. The effect of the Directions would be that a change of use from Office (Use Class B1(a) to Residential (Use Class C3) will require planning permission removing the ‘permitted development rights’ under Schedule 2 of the GPDO 2015.

3. RECOMMENDATION(S)

- 3.1 That Development Control Committee endorses the confirmation of the Directions on the basis that it is expedient to restrict the change of use from offices to residential in parts of Bromley Town Centre as set out in the report.
- 3.2 That members refer the matter to the R&R PDS Committee and that the Portfolio Holder for Renewal and Recreation:
 - 3.2 a) Confirms the Article 4 Direction to remove the Permitted Development of Class J (now O) to come into effect on 1st August 2015 for the Bromley North Area as shown on the attached map.

3.2 b) Confirms the Article 4 Direction to remove the Permitted Development of Class J (now O) to come into effect on 1st August 2015 for the London Road area as shown on the attached map.

3.2c) Confirms the Article 4 Direction to remove the Permitted Development of Class J (now O) to come into effect on 1st August 2015 for the Bromley South Area as shown the attached map.

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Vibrant, Thriving Town Centres
-

Financial

1. Cost of proposal: Estimated Cost None expected.
 2. Ongoing costs: Non-Recurring Cost
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £2.144m
 5. Source of funding: Existing revenue budget 2015/16
-

Staff

1. Number of staff (current and additional): 65.22 FTEs
 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):
-

Ward Councillor Views

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

3. COMMENTARY

- 3.1 It is the General Permitted Development Order 2015 which provides the mechanism, known as an “Article 4 Direction”, which enables local planning authorities, in certain circumstances, to withdraw permitted development rights. The non-immediate” Direction route used which entails the local planning authority giving 12 months’ notice of the intention to confirm an Article 4 removes the potential of liability for compensation for these Directions.
- 3.2 The procedure for making and confirming a Direction and giving notice is prescribed by planning legislation. Of significant importance is the power of the Secretary of State for Communities and Local Government, having been notified of the Direction, to cancel or modify the Article 4 Direction. Likewise, the local planning authority can at any time cancel its own Direction.
- 3.3 In 30 May 2013 the government introduced a new permitted development right through Class J, Part 3 of Schedule 2 to the GPDO 1995, i.e. the right to change (permanently) from Class B1(a) office use to C3 residential use. The permitted development right was introduced for a period of 3 years but may be extended. Following the publication of a new version of the Order (the Town and Country Planning (General Permitted Development) Order 2015) this is now Class O, Part 3 of Schedule 2 to the new Order. The content of this Part has not altered from the previous (amended) version of the Order
- 3.4 Following reports to Development Control Committee (DCC) in October 2013 and the R&R PDS in January 2014 the Portfolio Holder for Renewal and Recreation agreed the making of non-immediate Article 4 Directions for three areas within Bromley Town Centre. These are shown on maps in Appendix 1 and comprise Bromley South, Bromley North West and Bromley North East. These areas cover a small proportion of the town centre The non-immediate Article 4 confirmed that it would not come into effect prior to 31st July 2015.
- 3.5 This report seeks authority to confirm the Article 4 Directions which would, on coming into effect, require a formal planning application to be determined for any such office to residential change of use.
- 3.6 The Council undertook consultation on the proposed Article 4 Directions with notices in the local press, information on the Council’s website, publicity in the Council’s business e-bulletin circulated to approximately 3,000 businesses, and via the Bromley Economic Partnership.
- 3.7 Site notices were placed in each of the areas between 22nd and 27th May and letters sent out 28th May 2014 to all known offices in the areas. Consultation ran until 31st July 2014, exceeding the six week statutory period.
- 3.8 The Council notified the Secretary of State for Local Communities and Government. Subsequently the Council was contacted by the National Planning Casework Unit of the Department for Communities and Local Government (DCLG), who provided an opportunity for the Council to submit further evidence to support and justify the making of the Directions, with particular reference made to how they accord with the National Planning Policy Framework and associated guidance. The additional material submitted to DCLG by the Council is included as Appendix 1 of the report.
- 3.9 Unfortunately no response from DCLG has been received, despite officers having followed this up on many occasions. It is hoped that a response will be received by the time of the meetings, and an update will be provided. Should no response have been received the decision would have to be subject to no negative comments being received from the Secretary of State.

- 3.10 Only one objection was received within the Bromley North West area on behalf of the Cystic Fibrosis Foundation, and none from the other two areas. Several enquiries were made seeking clarification of the extent of the areas affected and the implications of the Article 4 Directions. These were not followed by written representation.
- 3.11 Representations were made with regard to the Article 4 Directions to not remove any Prior Approvals for change of use from office to residential given prior to the commencement of the Article 4 Direction. This would have been a consideration for the Council, however, the GPDO amendments in March 2015 mean that an Article 4 Direction cannot prevent the carrying out of development which has Prior Approval before the date the Article 4 Direction comes into force. Therefore these representations are not relevant to the Portfolio Holder's considerations.

Table 1 Summary of responses received to consultation

Respondent	Address	Comment	Proposed Area	Officer Comment
Suburban Studios	11 London Road	Seeking amendment to proposed Article 4 to exclude Prior Approvals	Bromley North West	2015 GPDO amendments address this concern
Cystic Fibrosis Trust	11 London Road	Objection to proposal	Bromley North West	Cystic Fibrosis Trust have moved out of the borough and no longer have an interest in this property
TP Bennett	Crosby House, Elmfield Road	Seeking amendment to proposed Article 4 to exclude Prior Approvals	Bromley South	2015 GPDO amendments address this concern

- 3.12 The Planning Policy Team have monitored the impact of the new permitted development rights Table 2 shows the total amount of office floorspace with Prior Approval to change from office to residential use in Bromley Town Centre (BTC). Floorspace and units approved for PD do not include floorspace and units of PD applications that have been implemented post January 2015.
- 3.13 BTC accounts for approximately 43% of all office floorspace in PD applications that have been approved, 17% of which have been implemented. Of this, there is an equal split in the tenancy of floorspace; 49% is currently occupied, whilst 51% remains vacant. Within the Town Centre, the majority of the floorspace approved for PD has not been implemented. The GPDO requires that these need to be complete by the end of May 2016 for the Prior Approval to be valid.
- 3.14 However, these figures are disproportionate. Of all PD applications in BTC, just under half fell within proposed Article 4 Direction boundaries. Of these, the majority of floorspace approved for PD is currently occupied, with an average vacancy rate of only 1%. As there is a significantly high occupancy rate in these areas, it is important to reduce the risk of an adverse

impact on buildings within these boundaries as to safeguard a good supply of quality office space in the Town Centre.

Table 2 Summary of Prior Approvals granted and implemented June 2013 – January 2015

	Total (Sqm)	Vacant (Sqm)	PD Approved (Sqm)	Vacant Approved (Sqm)	Approved Units	PD Implemented (Sqm)	Implemented Units
Bromley Town Centre	226,242	31,799	15,450	7,897	258	2,308	38
Article 4 Direction Areas:							
Bromley North-East	13,479	2,464	781	0	9	580	11
Bromley South	48,074	2,686	4,689	185	96	0	0
Bromley North-West	9,826	1,334	1,271	0	25	0	0
Rest of Borough	124,967	27,088	21,527	11,280	255	1,838	39

Compensation

- 3.15 Local planning authorities are in principle liable to pay compensation to landowners who would have been able to develop under the PD rights that an Article 4 Direction withdraws, if they:
- 3.16 Refuse planning permission for development which would have been permitted development if it were not for an Article 4 Direction;
- 3.17 Grant planning permission subject to more limiting conditions than the GPDO would normally allow, as a result of an Article 4 Direction being in place. Compensation may be claimed for abortive expenditure or other loss or damage directly attributable to the withdrawal of PD
- 3.18 However, it is unlikely that compensation is payable in this instance as 12 months' notice of withdrawal of the Permitted Development Rights was given.

4. POLICY IMPLICATIONS

- 4.1 The Article 4 Directions are in line with the UDP policies to protect offices, the BTCAAP policies and the emerging Local Plan policies as set out in the Draft Policies and Designations stage of the Local Plan.

5. FINANCIAL IMPLICATIONS

- 5.1 Advice on compensation is set out above. In summary, because the Council issued a 12 month non-immediate Directions under Article 4, it is unlikely that any compensation claims will be payable.
- 5.2 Any applicants for planning permission which would have previously been permitted, prior to an Article 4 Direction removing permitted development rights, are entitled to apply for planning permission without paying the usual planning application fees. The Article 4 Direction is therefore likely to lead to an increase in the number of planning applications for which planning

application fees will not be applicable. However, this is not expected to generate many additional applications.

6. LEGAL IMPLICATIONS

- 6.1 Government guidance now confirms that “Whereas before April 2010 the Secretary of State confirmed certain article 4 directions, it is now for local planning authorities to confirm all article 4 directions (except those made by the Secretary of State) in the light of local consultations”. The Secretary of State does, however retain the power to make a direction modifying or cancelling most Article 4 directions at any point.
- 6.2 There has been no substantive comment from the Secretary of State despite their having been notified in accordance with the legislative requirements, and a number of reminders pressing for comment. The main issue which concerned some consultees, namely the position of existing Prior Approvals, has now been addressed by the new GPDO.
- 6.3 If members decide to confirm the Direction whilst still awaiting final comments from the Secretary of State, they should be aware that the Secretary of state has the ability to modify or cancel it at a future date.

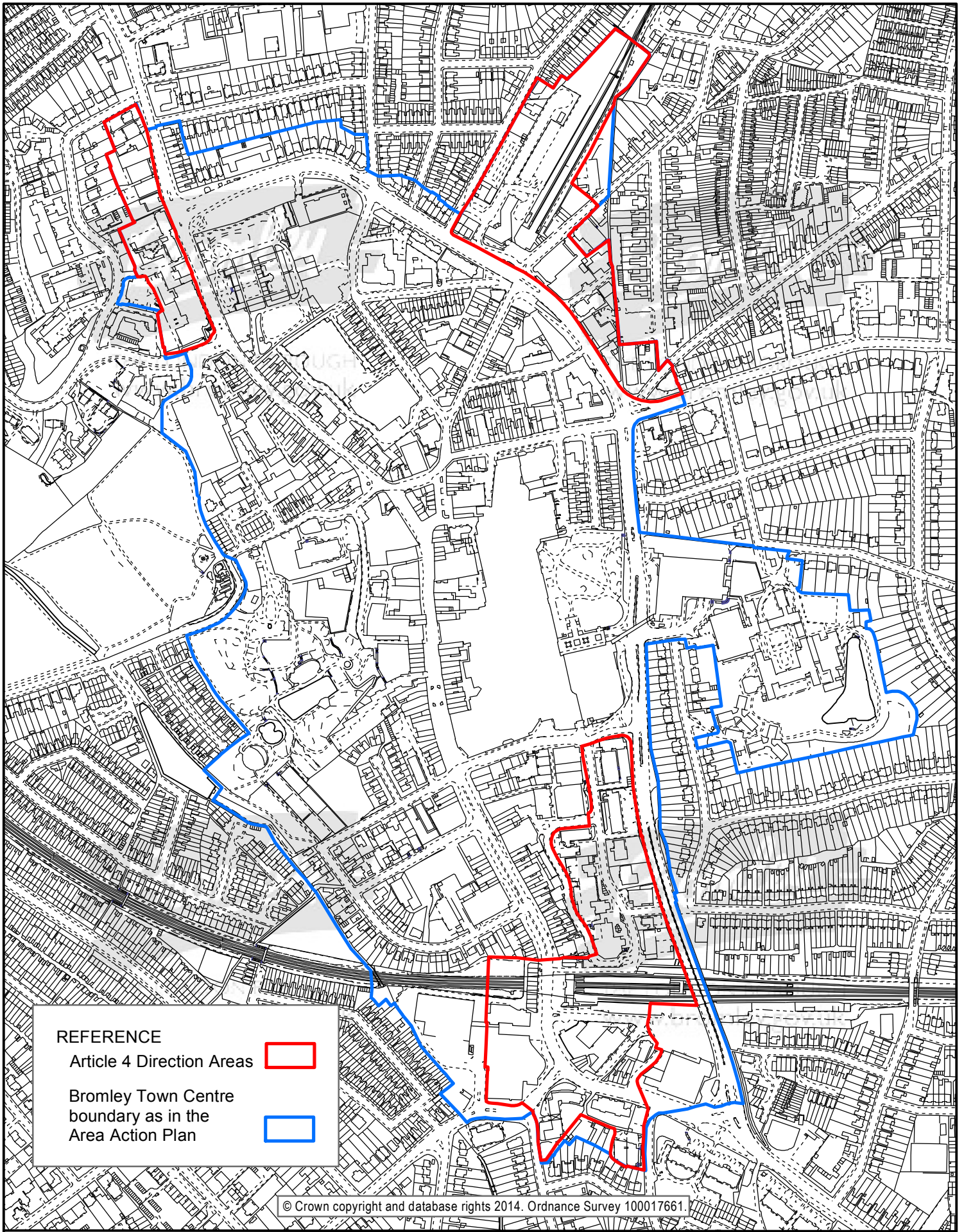
Appendices

Map showing Article 4 Direction Areas

Further Information provided to the Secretary of State 2014

Non-Applicable Sections:	Personnel Implications
Background Documents: (Access via Contact Officer)	Town and Country Planning (General Permitted Development) Order 2015 DRR 13/055 Development Control Committee 9/4/13 'Proposed Permitted Development Rights for change of use from Commercial to Residential – Response to Government request for exemptions DRR13/124 DCC 8/10/13 'Change of use from offices to residential in parts of Bromley Town Centre – Proposed Non-Immediate Article 4 Direction. DRR 14/013 R&R Portfolio Holder for pre-decision Scrutiny by the R&R PDS Committee

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TOWN PLANNING



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 CHIEF PLANNER,
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 BROMLEY, KENT,
 BR1 3UH.
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**ARTICLE 4 DIRECTION
 CONCERNING
 LAND AT
 BROMLEY TOWN CENTRE.**

Scale 1:6,000



16 ~~Page~~ 107 Plan No. 4825

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Additional Information to Support Article 4 Directions in Bromley Town Centre

1. Summary

The B1 (a) to C3 Article 4 Directions proposed by LB Bromley relate to three discrete and targeted areas within Bromley Town Centre.

The Council sought exemption in February 2013 to the, then, proposed permitted development right for the whole of Bromley Town Centre and the borough's business areas – a total area in the region of 150 hectares.

The current three small areas proposed total only just over 13 hectares, including railway land and roads.

The Council is seeking the Article 4 Directions to support the local economy and help ensure that the Borough has the office floorspace required to accommodate the forecast business and employment growth within the Borough, and maintain and enhance Bromley Town Centre's role as a Metropolitan Town Centre.

The three areas comprise, on the whole, the more modern and up to date office accommodation within the Town Centre (and the Borough), and certainly the most accessible, being close to the transport interchanges at Bromley North and Bromley South Stations.

The Council's saved UDP policies and the Bromley Town Centre Area Action Plan (BTCAAP) (2010) aim to retain offices. The BTCAAP proposed the NW area, and most of the Southern area as Business Improvement Areas. The Draft Policies and Designations stage of Bromley's Local Plan has extended the Bromley South Business' Improvement Area, and added Bromley North as a new Business Improvement Area given the quality of the stock, proximity to key transport interchanges, and their role in supporting not just the Town Centre but also the Borough's economy as stock elsewhere is lost.

In the first year of B1a to C3 permitted development rights being in operation the Council received 48 applications for prior approval, 37 were approved within the timescale which could provide 165 homes, and result in a loss of 12,100sqm of office floorspace.

The Council considers the Article 4 Directions important in managing the loss of office floorspace within these sensitive areas, and provide for the forecast increase in office employment as part of the sustainable future of the town centre and the Borough.

2. The Three Proposed Areas

A Bromley Town Centre North West

This area forms the London road Business Improvement Area within the Bromley Town Centre Area Action Plan.

B Bromley Town Centre North East

This area surrounds and includes the Bromley North station area; with most of it forming an area which is anticipated to be a significant site allocation within the Local Plan (it was a proposed Opportunity Site in the BTCAAP).

The BTCAAP identifies London Road (Area 1) and Bromley South (a smaller version of Area 3) as Business Improvement Areas.

C Bromley Town Centre South

The section North of Bromley South Station is designated a Business Improvement Area within the BTCAPP. However, a review of part of the preparation of the Local Plan proposes extending the BIA South to include the area with a significant number of existing offices, and within a few minutes' walk of Bromley Town Centre. The whole of the southern area is recognised as the section of the Town Centre most appropriate for large scale office development.

Market Context and need to Retain Offices within Bromley Town Centre

Bromley commissioned DTZ's '@LB Bromley Retail, Office, Industry, and Leisure Study' (2012). This highlighted an indicative total floorspace requirement within the Borough for offices of 106,500sqm for the period to 2031 (based on the 2011 London Plan employment projections). The evidence base for the draft Further Alterations to the London Plan shows Bromley with a lower base employment level but a higher rate of employment increase and therefore the requirement for a similar large amount of additional office accommodation remains.

Bromley Town Centre has relatively high residential values. For example, when the remaining residential units in the scheme currently under construction at Westmoreland Road are marketed, it is expected that asking prices will be in the region of £500 per sq. ft. This compares with office values for existing stock of around £160-£190 per sq. ft.

The commercial market has and continues to improve as the economy moves out of recession with employment higher than forecast.

The Council identified mixed use potentially including office at key sites within Bromley Town Centre Opportunity Site C Bromley Old Town Hall. It is anticipated that this will be refurbished/redeveloped for hotel and residential uses and Opportunity Site L which has planning permission for offices/residential has been purchased by the Education Funding Agency for a free school. This places greater emphasis on existing offices within the Town Centre to be retained to accommodate the growth in the economy and employment.

3. Impact of New Permitted Development Rights to change to housing use

The Council has a current five year housing land supply paper showing it meets the current London Plan housing targets for the Borough.

In the first twelve months of the new PD rights to change from B1a to C3 the Borough has:

- Received 48 applications
- Approved 37 applications which could provide 165 homes, and a loss of 12,100sqm of offices
- 3 withdrawn
- 2 appeals received

The applications of Prior Approval cover most parts of the Borough, as shown on the attached maps. As the Council is seeking Article 4 Directions for a very small part of Bromley Town Centre, the PD rights will continue for other areas of the BTC and the other parts of the Borough. It is anticipated that PD will therefore continue to provide a significant number of homes within Bromley. The Article 4 Direction is to seek the ability for the Council to manage the loss within the proposed Business Improvement Areas, and enable the Town Centre to perform effectively its office employment function which is important to the sustainability and the viability and vibrancy of Bromley Town Centre.

The commercial attractiveness of residential use is demonstrated by the number of prior approvals. The new permitted development rights will preclude Bromley Town Centre from effectively fulfilling its function, and accommodating the much needed office floorspace the economy requires.

4. The Plan and Development Management Policy Context

Saved UDP Policies and BTCAAP

Most of the UDP 2006 policies were 'saved' in 2009. This includes:

Office Development

EMP1 – This identifies where large new office development is appropriate. This includes Bromley Town Centre.

EMP2 – Requires development to be accessible areas, and not impair the shopping functions of the town centres.

EMP3 – This policy states that:

“the conversion or redevelopment of offices for other uses will be permitted only where:

- i) it can be demonstrated that there is no local shortage of office floorspace and there is evidence of long term vacancy despite marketing of the premises; and
- ii) there is no likely loss of employment resulting from the proposal.

It is policy EMP3 which is the key policy which would be used to assess a change of use from office to residential use in the areas covered by the Article 4 Direction once in place.

BTCAAP Policy BTC5 Office Development seeks to retain existing office uses

The Council will seek to retain existing office uses and to maximise the opportunities for new employment generating activity through the development of around 7,000sqm (gross) of additional business floorspace (Class B1) on Opportunity Sites A and C.

With the exception of changes of use which may be permitted in the Bromley North Village Improvement Area under Policy IA1, development proposals resulting in the loss of B1 office floorspace will only be acceptable if the office floorspace is re-provided as part of the redevelopment of the site.

The Council will achieve these policy aims through promoting the development of the Opportunity Sites identified in the Plan and improvements to existing premises and facilities in the Business Improvement Areas on the Key Diagram to create a high quality business environment. (Relevant policies EMP1 & EMP2 of UDP (2006) and 3B.1, 3B.2, 3B.3, 3D.1, 3D.2, 3D.3 of Consolidated London Plan (2008).

Emerging Local Plan

The Council is preparing its Local Plan, and consulted on the 'Draft Policies and Designations' document in February – March 2014.

Draft Policy 9.1 identifies three strategic priority areas for economic growth. This includes Bromley Town Centre.

Draft Policy 9.5 Business Improvement Areas (BIAs)

The Council will seek to manage and improve the supply of high quality office floorspace in Bromley Town Centre through designating the following as Business Improvement Areas (BIAs):

- i. Bromley South BIA
- ii. Bromley North BIA
- iii. London Road BIA

Redevelopment of proposals resulting in the loss of B1 office floorspace or which compromises the primary function of the BIA will not be permitted. The Council will work with businesses to secure quantitative and qualitative improvements to premises and facilities in these areas to ensure a good supply of high quality office accommodation.

These three areas are coterminous with the proposed Article 4 Direction.

Draft Policy 9.6 Large Office Development

Proposals for office floorspace (greater than 2,000sqm) will be directed to the Business Improvement Areas (BIAs) as part of the employment growth plans for Bromley Town Centre.

Draft Policy 9.8 Office Change of Use/Redevelopment Outside Business Improvement Areas (BIA)

Proposals for change of use or redevelopment of purpose-built large offices outside of the Business Improvement Areas will be considered based on the following criteria:

- i. demonstration of lack of demand for office floorspace marketing evidence over an 18 month period.
- ii. it would not be feasible and/or viable to refurbish, renew or modernise the offices in order to meet the current requirements of occupiers. This should be demonstrated through marketing evidence and an independently validated viability assessment.
- iii. it would not be feasible and/or viable to adapt the office floorspace as smaller business units to meet demand from small businesses. This should be demonstrated through marketing evidence and an independently validated viability assessment.
- iv. re-provision of employment floorspace as part of a mixed use scheme assessment.

The independently validated viability assessment should address the feasibility and economic viability of refurbishing, renewing or modernising larger office buildings for use as smaller B1 units. It should be produced by a qualified person familiar with the local market for business premises. The Council may seek independent validation of the report in order to assess the quality of the evidence provided.

The redevelopment of offices will be supported if the quantity of original B1(a) floorspace is replaced or increased as part of the development (or elsewhere within the immediate area).

The aim of the Council's office policy approach is to safeguard sufficient land for office based employment in the most appropriate locations, in particular the proposed Business Improvement Areas proposed for the Article 4 Directions.

5. Consultation

Consultation on the Draft Policies and Designations stage of the Local Plan preparation did not receive any objections to the Business Improvement Areas, or the draft office policy.

Consultation with regard to the Article 4 Directions has included:

- Site notices for each area, appropriately located
- Letters sent to known addresses within each of the proposed areas
- Information available at the Borough's Bromley Business Event on 18th June
- Public notices in the local papers

To date there have been no objections to the proposed Article 4 Directions. There have been half a dozen enquiries seeking clarification of the implications of a Direction.

Consultation started in the last week of May and runs until July 31st 2014, exceeding the required six week period.

6. Background documents

- UDP saved policies
http://www.bromley.gov.uk/downloads/file/213/expired_udp_policies-july_2009
- BTCAAP
http://www.bromley.gov.uk/downloads/download/194/bromley_town_centre_area_action_plan
- Draft Policies and Designations Document
<http://www.bromley-consult.objective.co.uk/portal/lpdpd/lpdpc>
- DTZ Report (2012) (“Retail, Employment and Leisure”)
http://www.bromley.gov.uk/site/scripts/google_results.aspx?q=DTZ+Report+2012
- Michel Rogers (2014) BTC Offices Report
http://www.bromley.gov.uk/downloads/file/1854/bromley_town_centre_office_market_study_2013

Report No.
DRR15/054

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Tuesday 9 June 2015

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

Title: PLANNING APPEALS - COSTS 2014/2015

Contact Officer: John Stephenson, Development Control Manager Planning Appeals and Investigation
Tel: 0208 313 4687 E-mail: John.Stephenson@bromley.gov.uk

Chief Officer: Chief Planner

Ward: (All Wards);

1. Reason for report

This report provides an update on the award of costs in planning appeals in the financial year 2014/2015.

2. RECOMMENDATION(S)

Members consider and comment on the report

Corporate Policy

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

Financial

1. Cost of proposal: N/A as reporting on historic information
 2. Ongoing costs: N/A
 3. Budget head/performance centre: Central Contingency
 4. Total current budget for this head: £60k
 5. Source of funding: Existing revenue budget 2015/16
-

Staff

1. Number of staff (current and additional): 45.87ftes
 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):
-

Ward Councillor Views

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

3. COMMENTARY

- 3.1 In planning and enforcement appeals the main parties are normally expected to meet their own expenses irrespective of the outcome. Costs may be awarded on the grounds of 'unreasonable behaviour' resulting in unnecessary wasted expense. Policy guidance concerning the costs procedure was provided in the National Planning Practice Policy Guidance (NPPG) concerning Appeals.
- 3.2 Section 4 of the NPPG Appeals guidance sets out the circumstances when an award of costs may be applied for. The award of costs supports an effective and timely planning system in which all parties are required to behave reasonably. In order to support this aim further, it is stated that Inspectors will now use their existing legal powers to make an award of costs where they have found unreasonable behaviour, including cases where no application has been made by either party, applying the same guidance when deciding an application for an award of costs, or making an award at their own initiative. Costs may be awarded at the Initiative of the Inspector in relation to planning appeals.
- 3.3 Costs awards may also be made against statutory consultees as there is a clear expectation that a statutory consultee will substantiate its advice at appeal.
- 3.4 In Local Planning Authorities with a high appeals workload such as Bromley, the number of claims against the Council can be significant. Bromley consistently has one of the highest number of planning appeals in the UK. The volume of appeals is reflected in the relatively high number of claims for costs.
- 3.5 The trend for the number of costs claims against the Council has increased above the previously reported average of 20 a year in April 2013 to March 2014 to 30 in April 2014 to March 2015 which reflects the widening of the national criteria for appeal cost claims, for example on written representation cases. However the amounts claimed can vary significantly depending on the type of case. It is not sufficient for the appellant to claim costs on the grounds that the Council has made an incorrect decision and it is necessary to demonstrate that it has acted unreasonably, for example if it is unable to produce convincing evidence in support of its reasons to refuse permission.
- 3.6 Factors which have persuaded Planning Inspectors to award costs against the Council in 2014/15 principally due to a failure to produce sufficient evidence to substantiate reasons for refusal
- 3.7 This report provides an update on the award of costs in planning appeals in financial year 2014/2015. 30 claims for costs were received in the period April 2014 to March 2015 of which 7 have been allowed, 18 refused, 1 partial award, 3 awaiting determination and 1 withdrawn.

- 3.8 Members are notified of all cost decisions together with all appeal decisions on a weekly basis. A list of all cost decisions received in 2014/2015 is attached. **(Appendix 1)**
- 3.9 A criticism by Inspectors is that insufficient evidence is produced to substantiate the reasons for refusal. If permission is refused and goes to appeal it is therefore essential that the Council is able to produce sufficient supporting evidence to sustain the reasons for refusal. Although it is right for the Council to take into account of local objections, its reasons for refusal should be specific, precise, complete and relevant to the application and Planning Inspectors expect to be presented with evidence to substantiate the reasons for refusal. Where such evidence is lacking a claim for costs is more likely to succeed.
- 3.11 Four such cases in the period 2014/2015 were paid currently totalling £4.4k.
- 3.12 Two further cases, a claim initially being £20,500 which is currently being negotiated by the cost advocates. A further cost claim has been submitted for a non determination case for £28,489, this is also currently being negotiated with the cost advocate, with the view to reduce the claim to below £5,000.

4. FINANCIAL IMPLICATIONS

- 4.1 A total of £9.6k has been paid out as cost awards against decisions received for appeals submitted during 2014/15. £5.2k of this sum was paid out in 2015/16 for decisions received after the end of March 2015.
- 4.2 A further £59.8k has been paid out during 2014/15 against decisions received for appeals submitted between April 2012 and March 2014. These additional costs have been contained within the overall planning budget.
- 4.3 Two costs claims are currently being negotiated, the initial total claim being £49k, this is expected to be reduced significantly through negotiation with the cost advocate.
- 4.4 One claim has yet to be submitted and five cases are currently pending a decision. At this stage it is not possible to quantify the full costs that may become payable for these specific cases.
- 4.5 A sum of 60k is held in the Central Contingency to meet any cost awards that cannot be contained within the existing planning budget.

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

Case Ref	Appeal received	Appeal type	cost officer	Appeal site	Cost decision	Date of cost decision	Permission recommended	Cost claim status	Date sent to Cost Advocate	Amount claiming	Cost Advocate Fees	Amount paid	appeal description	Summary [reasons costs award allowed]	Notes
								Total		£	£	£			
14/00300	May-14	Written	eab	425 Croydon Road, Beckenham	allowed	6.8.14	No	paid	N/A	1,595.00	N/A	1,595.00	Two storey extension to provide 2 x 1 bedroom flats	Lack of clarity to support reasons for refusal resulted in pursuing an appeal. Introducing additional matters at appeal stage is unreasonable	paid 4.9.14
14/00107	Apr-14	Written		Land adj 80 Upper Elmers End Road, Beckenham	Refused	23.7.14	No	N/A	N/A	N/A	N/A	N/A	Erection of a bungalow at land adjacent to No 80 Upper Elmers End Road and fronting Adams Road OUTLINE APPLICATION	N/A	
13/04288	Apr-14	Fast track	eab	16 Falcon Avenue, Bromley	Refused	2.6.14	yes	paid	N/A	1,300.00	N/A	1,300.00	Side and rear extension	N/A	paid 10.10.14
13/04288	Apr-14	Fast track	eab [cml]	Sunnyfields Day Nursery, 19 Bromley Grove, Shortlands	allowed		yes	paid	17.3.15	3,500.00	256.80	3,756.80	Day nursery		paid 14.4.15 Cost Ad: paid 8.5.15
14/00682	Jul-14	Fast track		Treesway	allowed	16.10.14	yes	paid	N/A	1,080.00	N/A	1,080.00	Installation of 8 air conditioning units to flank elevation, with enclosure PART RETROSPECTIVE	DCC overturned decision, reasons were vague and generalized not supported by objective analysis	
14/00104	Jul-14	Written		1 Edward Road	allowed	6.10.14	non determination	being negotiated cost adv	6.1.15	28,489.36			Use of 1 Edward Road as 6 residential units for 6 unrelated individuals CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE	No need for appeal if handling of application focused on matters to conclude that the use was lawful	
13/04033	Apr-14	Hearing	eab [cml]	Jason, Yester Road, Chislehurst	allowed	27.8.14	yes	agreed total but need final invoice to pay	N/A	20,500.00			Demolition of existing dwelling and erection of a three storey 8 bedroom detached dwelling with accommodation within the roofspace and associated landscaping.	LBB failed to substantiate reason for refusal on highway safety grounds	
13/04033	Jul-14	Hearing	eab	Jason, Yester Road, Chislehurst	Refused	27.8.14	yes	N/A	N/A	N/A	N/A	N/A	as above	N/A	claim by LBB
14/01046	Jul-14	Written		378 Main Road, Westerham	Refused	22.10.14	no	N/A	N/A	N/A	N/A	N/A	Erection of a detached two storey three bedroom dwelling with associated car parking at front and new vehicular access on to main road	N/A	
13/03444	May-14	Written	eab	16 Bird In Hand Lane, Bromley	Refused	7.4.15	no	N/A	N/A	N/A	N/A	N/A	Two storey, five bedroom replacement dwelling with accommodation in roof space basement and integral garage.	N/A	
14/02082	May-14	Written	ss	land r/o 112/114 Murray Avenue	Refused	12.12.14	yes	N/A	N/A	N/A	N/A	N/A	Erection of 4 – bedroom detached house with off-street parking	N/A	
14/02086	Jul-14	Written	eab	Berwick House, 8-10 The Knoll Rise, Orpington	Refused	14.11.14	yes	N/A	N/A	N/A	N/A	N/A	Change of use of Berwick House from Class B1(a) office to Class C3 dwellinghouses to form 6 studio flats, 66 one bedroom and 13 two bedroom flats (56 day application for prior approval in respect of transport and highways, contamination and flooding risks under Class J Part 3 of the GPDO)	N/A	

Case Ref	Appeal received	Appeal type	cost officer	Appeal site	Cost decision	Date of cost decision	Permission recommended	Cost claim status	Date sent to Cost Advocate	Amount claiming	Cost Advocate Fees	Amount paid	appeal description	Summary [reasons costs award allowed]	Notes
14/00618	Aug-14	Written	eab	St. Josephs Church, High Street, St. Mary Cray	withdrawn	withdrawn	yes	N/A	N/A	N/A	425.00	425.00	Erection of 3 three bedroom two storey terraced dwellings with landscaping and car parking spaces (amendments to permission granted under ref. 09/02991 for 2 four bedroom semi-detached houses)	cost negotiation by Masters for 2009 planning appeal £510 paid appellant not claiming costs	paid 19.8.14
14/00599	Aug-14	Written	ss	Boulders, 21 Beckenham Place Park, Beckenham	Refused	15.12.14	yes	N/A	N/A	N/A	N/A	N/A	Demolition of existing dwelling house and erection of replacement detached dwelling with associated parking provision and hard and soft landscaping	N/A	
14/02021	Sep-14	Written		Land at Southwood Close, Bickley	Refused	24.12.14	yes	N/A	N/A	N/A	N/A	N/A	Biomass Boiler cabin containing internal plant room, flue and wood pellet store to provide renewable heat to flats in Southwood Close.	n/A	
13/03992	Jul-14	Written	als	land between 65 & 67 Cameron Road, Bromley	Partial allowed	22.10.14	no	agreed	N/A	1,433.30	N/A	1,433.30	Erection of a single storey building for use as a day nursery (Use Class D1) and associated access, parking and landscaping	Highway grounds non substantiated. Condition could have been imposed regarding Trees	paid 14.4.15
14/00575	Sep-14	Fast track	als	51 Cudham Lane North, Orpington	Refused	17.11.14	no	N/A	N/A	N/A	N/A	N/A	Enlargement of roof to provide first floor accommodation with rooflight to rear and single storey rear extension	N/A	
14/00575	Oct-14	Fast track	cml	Tudor Heights, Chislehurst Road, Chislehurst	Refused	27.11.14	no	N/A	N/A	N/A	N/A	N/A	Single storey lower ground floor extension to front and side with roof terrace at ground floor and access ramps, ground and first floor front extensions, single storey ground floor rear extension, associated excavations and landscaping and raising of ridge height to provide accommodation in loft with dormers to rear roofspaces	N/A	
14/01561	Aug-14	Written	cml	213 Kings Hall Road, Beckenham	Refused	22.12.14	yes	N/A	N/A	N/A	N/A	N/A	Introduction of access road and erection of 6 dwellings comprising 3 pairs of semi-detached houses, parking landscaping OUTLINE APPLICATION	N/A	
14/01747	Dec-14	Written	ss	Eastern House, Clarence Court, Rushmore Hill, Orpington									Single storey side extension to provide car parking and archive store and rearrangement of car parking layout.		

Case Ref	Appeal received	Appeal type	cost officer	Appeal site	Cost decision	Date of cost decision	Permission recommended	Cost claim status	Date sent to Cost Advocate	Amount claiming	Cost Advocate Fees	Amount paid	appeal description	Summary [reasons costs award allowed]	Notes	
14/03266	Dec-14	Written	als	The Garden Shop, 89 Elmers End Road,	Refused	12.5.15	no	N/A	N/A	N/A	N/A	N/A	Change of use of ground floor from Class A1 retail to Class C3 dwellinghouse to form 1 two bedroom flat. (56 day application for prior approval in respect of transport and highways, contamination and flooding risks under Class IA Part 3 of the GPDO)	n/a		
14/03143	Dec-14	Written		land adj Redwood, The Drive, Chislehurst									Demolition of existing buildings and erection of detached single storey 3 bedroom dwelling including basement accommodation, with vehicular access from The Drive.			
14/00547	Nov-14	Written	db	88 High Street, Bromley	Refused	18.2.15	no	N/A	N/A	N/A	N/A	N/A	Change of use from Bank (Class A2) to Adult Gaming/Amusement Centre (Sui Generis)	N/A		
14/03160	Nov-14	Written	cml	Wilderwood, Widmore Green, Bromley	Refused	7.4.15	yes	N/A	N/A	N/A	N/A	N/A	Variation of condition 2 of permission 13/01204/FULL1 (allowed on appeal) for 4 two bedroom dwellings and 1 two bedroom bungalow to enable development not in accordance with approved plans 3704-PD-13 and 14 to provide 8 front rooflights, 4 rear dormers and additional bedroom in roofspace	N/A		
14/02330	Jun-14	Fast track	cml	36 Kemble Drive, Bromley	Refused	3.2.15	no	N/A	N/A	N/A	N/A	N/A	Detached building	N/A		
14/03828	Jan-15	Fast track	als	27 Godwin Road, Bromley	Refused	3.3.15	no	N/A	N/A	N/A	N/A	N/A	Two storey side extension and single storey rear extension			
13/00004 ENF	May-14	Written	cml/js	101 Lennard Road, Beckenham	allowed	18.2.15	N/A	await claim					Single storey rear extension	Issue of enf notice unreasonable as already agreed dev. Ok – unreasonable to defend at appeal		
14/00478 ENF	Dec-14	Written	cml	land adj. 131 Cudham Lane North, Orpington	Partial allowed	21.5.15	N/A	await claim					unauthorised Use of land for recreational equestrian use, and retention of 3 stables, feed store and field shelter.	Council failed to take sufficient care before deciding to issue the notice - notice was withdrawn due to an error	enf notice withdrawn by LBB	
14/02496	Oct-14	Fast track		7 Princes Avenue, Petts Wood	refused	3.12.14	yes	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
14/00415	May-14	Written	eab	site of former 41 Sunningvale Avenue	allowed	13.4.15	no	await claim					Erection of two detached houses (1 no 3 bedroom and 1 no 4 bedroom) and six 3 bedroom semi-detached house, and provision of access road, ancillary car parking and bin stores.	Council failed to provide evidence that site was artificially divided and not given appropriate weight to previous appeal decisions.		
											57,897.66	681.80	9,590.10			

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Report No.
DRR15/048

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Tuesday 9 June 2015

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

Title: PLANNING APPEALS MONITORING REPORT (APRIL 2014 TO MARCH 2015)

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

Chief Officer: Chief Planner

Ward: (All Wards);

1. Reason for report

The report provides an update on planning appeals received and decided for the year 2014/15.

2. **RECOMMENDATION(S)**

Members note the report

Corporate Policy

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

Financial

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

Staff

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

Legal

1. Legal Requirement: Statutory Requirement 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):
-

Ward Councillor Views

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

3. COMMENTARY

3.1 The Table (1) below provides a summary of appeals activity in the period 1 April 2014 to 31 March 2015. 326 appeals were lodged during the same period 266 appeal decisions were received of which 141 were dismissed and 117 were allowed, with 8 being part allowed part dismissed, as shown in Table (2).

Number of Appeals and Appeal Procedure:

3.2 With regard to the appeal procedure, the number of fast track appeals have increased each year from approximately 35% in 2010/11 to 48% in 2014/15.

3.3 The breakdown of appeals lodged by appeal procedure for 2014/2015 compared with 2013/2014 is summarised below:

Table (1)

Appeals Lodged Procedure	Bromley 2013 – 2014	Bromley 2014 - 2015	England (1) 2014-2015 (Q3/4)
Fast track	113 (45.6%)	157 (48%)	33%
Written Representations	118 (47.6%)	158 (48%)	62%
Informal Hearing	12 (4.8%)	3 (1%)	3%
Local Inquiry	5 (2%)	8 (2%)	3%
TOTAL	248 (100%)	326 (100%)	100%

(1) Source – Planning Inspectorate Statistical Report

This shows that, in Bromley, a higher proportion of Fast Track appeals are received relative to England.

3.4 Since 6 April 2009 the Secretary of State has had the power to determine by which procedure an appeal will be heard (ie by written representations, informal hearing or by local inquiry). Section 196 of the Planning Act 2008 inserted section 319A of the Town and Country Planning Act 1990 to enable this function. Although the Council may request a certain procedure in all cases the method is determined by the Planning Inspectorate.

3.5 The new appeal procedural guidance of 6 March 2014 restates this prerogative and also states that this power has been commenced in relation to planning, advertisement and enforcement appeals. The power to determine the appeal procedure does not yet apply to listed building and conservation area consent appeals.

3.6 The Procedure Rules and Planning Inspectorate targets were changed to enable faster decision- making in October 2013. The expedited written representations procedure currently used for householder appeals (HAS), introduced in 2009, has been extended to appeals against refusal of express consent for the display of an advertisement, appeals for minor commercial (shop front) Development and this is now known as the CAS appeal service.

3.7 The validation requirements for an appeal have been changed so that the appeal process is front loaded with appellants providing a 'full statement of case' with the appeal form, a statement explaining choice of procedure and the provision at an early stage of a draft statement of common ground for inquiry or hearing setting out factual information not considered to be in dispute.

3.8 The targets have been changed to enable faster decision making. The process has been shortened by 1 week so that residents have 5 weeks within which to make any additional

comments concerning appeals rather than the 6 weeks previously given at this stage. The target is to determine 80% of written representations appeals within 14 weeks of the start date, 80% of hearings within 14 weeks of the start date and 80% of non-bespoke inquiries within 22 weeks of the start date,

3.9 A separate report on planning appeal costs for the financial year 2014/2015 is available.

3.10 **Table (2)**

Appeal decisions in Bromley Borough 2014/15					
	Fasttrack	Written	Hearing	Inquiry	Total
No.of appeals Allowed	67	44	2	3	116
No. of appeals Dismissed	56	79	0	2	137
No. of appeals Part allowed/dismissed	2	4	1	1	8
Total Appeals Decided	125	127	3	6	261
% Appeals Allowed (I)	55%	38%	100%	67%	48%
National Comparison (I)	40%	30%	41%	58%	34%

Note (1) – includes Part Allowed/Dismissed Appeals

In 2014/15, overall 48% of Planning Appeals were ‘Allowed’, this is where planning permission is granted, this compares with a national average of around 34%.

In more detail, there are significant differences in the rate of appeals allowed, at local and national level. In Bromley, 54% of Fast track appeals were allowed in 2014/15 compared with 35% of written representation appeals. Action to improve the performance within development control on refused householder applications which form the basis of fasttrack appeals will be undertaken.

Non-Applicable Sections:	Policy, financial, legal and personnel
Background Documents: (Access via Contact Officer)	

Report No.
DRR15/057

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

Date: **Tuesday 9 June 2015**

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

Title: **DELEGATED ENFORCEMENT ACTION
(JANUARY TO MARCH 2015)**

Contact Officer: John Stephenson, Development Control Manager Planning Appeals and
Investigation.
Tel: 0208 313 4687 E-mail: John.Stephenson@bromley.gov.uk

Chief Officer: Chief Planner

Ward: (All Wards);

1. Reason for report

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

2. **RECOMMENDATION**

Members to note the report.

Corporate Policy

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

Financial

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

Staff

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

Legal

1. Legal Requirement: Statutory Requirement 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):
-

Ward Councillor Views

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

3. COMMENTARY

Enforcement action and prosecutions have been authorised by the Chief Planner under Delegated Authority during the period 1 January 2015 to 31 March 2015 in respect of development undertaken without the benefit of planning permission at the following sites:-

ENF Ref	Complaint	Site	Ward	Recommendation	Decision date
13/00503	Unauthorised change of use of existing out building to detached dwelling house	87 Hayes Way Beckenham	SHORTLANDS	PCN	08.01.15
14/00657	Building not in accordance with approved plans	104 Nightingale Lane, Bromley	BICKLEY	Enforcement Notice	20.01.15
14/00653	Untidy Site Notice	Royal Albert PH Lower Road Orpington	CRAY VALLEY EAST	Untidy site notice s.215	22.01.15
15/00001	Unauthorised creation of a 2 storey residential dwelling house and non-compliance of planning conditions	1 Cattistock Road Mottingham	MOTTINGHAM AND CHISLEHURST NORTH	BCN	02.02.15
13/00101	Single storey side extension	Pickhurst Lane West Wickham	HAYES AND CONEY HALL	PROSECUTION	12.03.15
14/00098	Fencing erected over alleyway and additional land, used as tool hire business	7 Kelvin Parade Orpington	FARNBOROUGH AND CROFTON	PCN	05.03.15
15/00075	Untidy site in front garden	3 Tennyson Road Penge	PENGE AND CATOR	Untidy site notice S215	13.03.15
15/00069	subdivision of No.60 to create a separate dwelling known as 60a Dittisham Road	60 Dittisham Road Mottingham	MOTTINGHAM AND CHISLEHURST NORTH	PCN	19.03.15

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

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

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Report No.
DRR15/058

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Tuesday 9 June 2015

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

Title: ENFORCEMENT MONITORING REPORT
(APRIL 2014 TO MARCH 2015)

Contact Officer: John Stephenson Development Control Manager Planning Appeals and Investigation
Tel: 0208 313 4687 E-mail: John.Stephenson@bromley.gov.uk

Chief Officer: Chief Planner

Ward: (All Wards);

1. Reason for report

This report provides an update of enforcement activity from 1st April 2014 to 31st March 2015

2. **RECOMMENDATION**

Members note the report.

Corporate Policy

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

Financial

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

Staff

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

Legal

1. Legal Requirement: Statutory Requirement 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):
-

Ward Councillor Views

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

3. COMMENTARY

- 3.1 In the period April 2014 to March 2015 the Council received 649 new complaints about alleged breaches of planning control. These are summarised in the attached table (**Appendix 1**). This compares with approximately 596 complaints received in the previous year.
- 3.2 In terms of enforcement activity 43 enforcement notices were issued in respect of breaches of planning control in the period April 2014 to March 2015.

Type of Notice	Number of Notices
Building operations	15
Material Change of Use	1
Untidy Site	20
Breach of Condition	2
Planning Contravention Notice	5
Stop Notice	0
Total	43

- 3.3 The majority of enforcement action is authorised under Delegated Authority and a list of cases where delegated enforcement action has been taken is regularly reported to Development Control Committee. In addition a monthly report of notices issued is circulated to all Members.
- 3.4 A wide range of complaints are received but the most frequent, to date, relate to operational development (35%), change of use (15%). Development not built in accordance with plans (13%), untidy sites (12%) and breach of conditions (10%). A substantial number of complaints are received which do not involve breaches of planning control which are not recorded on the planning enforcement monitoring system. These include non-planning issues such as boundary disputes, anti-social behaviour and other civil matters which fall outside the remit of planning control.
- 3.5 In cases where an enforcement notice has been effective and not been complied with, the Council may exercise its powers of prosecution. The Council's solicitors are currently in the process of prosecuting on the following cases.

Maple Road Penge - Unauthorised conversion to 5 flats - Trial scheduled for August 2015

Pickhurst Lane West Wickham – Prosecution case being processed

- 3.6 In June 2012, Members decided to approve a Planning Enforcement Policy which was published on the Council's website and is now available for all our service users. This policy will enable our service users to see our current procedures, policies and reasons if and when we consider taking enforcement action and the types of action that we take to remedy breaches of planning control.

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

- 3.7 Members have authorised three cases of Direct Action within the last financial year as a result of non-compliance with notices issued, Direct Action has been undertaken and this line of action has some financial implications but the course of this line of action has produced a successful outcome.

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

Planning Enforcement range of complaints 2014/2015

Range of complaints		
Operational Development	229	35%
Untidy Sites (S215)	78	12%
Commercial Activity	14	2%
Breach of condition	68	10%
Adverts	37	5%
Boundary treatment	27	4%
Plans - not built according to	85	13%
Commercial vehicle - parking of	4	0.6%
Change of Use	99	15%
Access	2	0.3%
Shop shutters	2	0.3%
Satellite Dishes	4	0.6%
Other	0	0
TOTAL	649	100%

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Report No.
DCS150079

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: **Development Control Committee**

Date: **9th June 2015**

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

Title: **MINOR AMENDMENTS TO THE SCHEME OF DELEGATION**

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: All

1. Reason for report

- 1.1 At each annual meeting of the Council a Scheme of Delegation to Officers is received and approved which authorises officers to act on behalf of the Council. An important chapter in the Scheme deals with delegations from the Leader and from this Committee to the Chief Planner. These have been reviewed and some minor changes are proposed to clarify the scheme and bring it up to date.
-

2. **RECOMMENDATIONS**

That the proposed minor amendments to Development Control Committee delegations be approved and referred to Council for inclusion in the Scheme of Delegation.

Corporate Policy

1. Policy Status: N/A.
 2. BBB Priority: Excellent Council.
-

Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £326,980
 5. Source of funding: 2015/16 Revenue Budget
-

Staff

1. Number of staff (current and additional): 7.39 fte
 2. If from existing staff resources, number of staff hours: None
-

Legal

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

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

- 3.1 The Scheme of Delegation to Officers sets out formal delegation of various powers to the Council's chief officers and their staff, and forms part of the Council's Constitution (Appendix 10). The Scheme is updated for approval at the Council's annual meeting each year, although under the Local Government and Public Involvement in Health Act 2007 any executive powers delegated to officers have to be delegated not by the Council, but by the Leader of the Council, and it is open to the Leader to table changes to the executive scheme. The executive or non-executive origin of each delegation in the scheme is reflected in a column which indicates whether each individual delegation derives from the Leader or from Council, or both.
- 3.2 The Scheme of Delegation to Officers was updated at the Council's annual meeting on 13th May 2015. The delegations relating specifically to this Committee and the running of the Planning Division have now been reviewed and modified where necessary, removing errors, duplication and unnecessary wording and bringing all terminology up to date. All the proposed amendments are non-executive matters and it is recommended that this Committee confirms these minor amendments and refers them to full Council for incorporation into the Scheme. The new wording is highlighted in italics in Appendix 1.

Non-Applicable Sections:	Policy/Financial/Legal/Personnel
Background Documents: (Access via Contact Officer)	Scheme of Delegation as approved by Council on 13 th May 2015

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DEVELOPMENT CONTROL COMMITTEE

Officer(s) Authorised	Authority to:	Responsibility Delegated from
Building Regulations		
CP (1)	Give consents where applications conform with Regulations.	Leader
CP (2)	Refuse applications which do not conform with Regulations.	Leader
CP (3)	Decide applications for relaxation where the Council have the power of decision.	Leader
CP (4)	Decide upon the observations to be made to the appropriate Minister with applications for relaxation of the Regulations.	Leader
DCS/CP (5)	Authorise and serve notices under Section 36 of the Building Act 1984 and the current Building Regulations.	Leader
DRT (6)	The Director of Regeneration and Transformation be authorised to amend the building control fees as required with the aim of ensuring the service is provided on a cost recovery basis in line with the 2010 Building (Local Authority Charges) Regulations and to change staffing levels to reflect changes to activity volume as required.	Leader
CP (7)	To be designated as "Appointing Officer" under Section 10 (8) of the Party Wall etc Act 1996 and have delegated power to act in that capacity.	Leader
Dangerous Structures		
CP (8)	Take appropriate action in respect of dangerous structures as set out in sections 60-70, 125, 126, and 142 of the London Building Acts (Amendments) Act 1939 Part VII including the removal of any danger where immediate action is required.	Leader

CP	(9)	To make appropriate charges regulations for dangerous structures as provided for within the relevant sections of the following Acts – London Building Acts (Amendment) Act 1939: Part VII. London County Council (General Powers) Act, 1955: Part II (including section 9 (power of entry with respect to dangerous and neglected structures). London County Council (General Powers) Act, 1958: Part III. London Local Authorities Act 1994.	Leader
CP	(10)	To operate the new scale of fees for dangerous structure activities and to waive the fees in case of extreme hardship.	Leader
CP	(11)	Authorise and serve notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 to obtain particulars of persons interest in land and where there is default in compliance with any such notice refer the matter to the Director of Corporate Services to consider taking legal proceedings.	Council

Operation of Tree Preservation Orders

CP	(12)	Consent with or without conditions, or refuse consent to the pruning, cutting down, topping, lopping or destruction of trees which are the subject of Tree Preservation Orders in accordance with the provisions of such orders.	Council
CP	(13)	Consent with or without conditions to the pruning, cutting down, topping, lopping or destruction of trees within designated Conservation Areas.	Council
CP	(14)	The making of Tree Preservation Orders and provisional TPOs Section 198 and 201 of the Town & Country Planning Act 1990, including the making of TPOs in Conservation Areas.	Council

CP	(15)	Confirm opposed or unopposed TPOs.	Council
CP	(16)	Agree to the revocation of TPOs.	Council
CP	(17)	Issue tree planting notices.	Council
CP	(18)	Enter into management agreements under Section 39 of the Wildlife and Countryside Act 1981.	Council
CP/DRT	(19)	Authorise legal proceedings to be taken in respect of breaches of TPOs and the legislation relating to trees in Conservation Areas, subject to the Director of Resources being satisfied as to the evidence.	Council
Determination			
CP (Subject to consultation with DCS)	(20)	Determine applications for certificates of lawfulness of proposed use or development under Section 192 of the Town and Country Planning Act 1990.	Council
CP (Subject to consultation with DCS)	(21)	Determine applications for certificates of lawfulness of existing use or development under Section 191 of the Town and Country Planning Act 1990.	Council
CP	(22)	<i>Determine applications for prior approval under any part of the Town and Country Planning (General Permitted Development) Order 2015 including determination of whether prior approval is required and the granting or refusing of prior approval.</i>	Council
CP	(23)	Determine applications for hazardous substances consent.	Council
CP	(24)	The power to grant outline or full planning permission, <i>approve reserved matters</i> , <i>approve details pursuant to or vary conditions</i> , <i>give advertisement and listed building consent</i> , with or without conditions to planning applications or proposals excluding those in the following categories:	Council

- (i) *Applications submitted by or on behalf of the Council or on land substantially owned by the Council where the Council has a financial interest* (but not details pursuant, *reserved matters*, revised plans and proposals to renew deemed permissions). Council
- (ii) Permission to applications involving *ten* or more purpose-built new dwellings (but not other associated buildings, conversions, extensions and changes of use, *reserved matters*, details pursuant, revised plans and renewal permission applications). Council
- (iii) Permissions to applications for new commercial development such as industry, offices and shops (but not other associated buildings, conversions, extensions and change of use, *reserved matters*, details pursuant, revised plans and renewal applications). Council
- (iv) Applications submitted by members of staff in the Planning Division, or other Chief Officers, or submitted by or on behalf of Bromley Councillors or Members of Parliament. Council
- (v) Applications and other matters which one or more Members formally request *in writing* are put before a Committee or Sub-Committee of Members. Council

CP

(25)

The power to:

- (i) refuse planning permission; Council
- (ii) refuse express consent for advertisements; Council
- (iii) refuse Listed Building Consent; Council
- (iv) not approve details submitted pursuant to a condition of a permission or consent; Council

	(v)	refuse revisions and amendments to plans and to specify reasons for so doing whatever representations are received for or against the application;	Council
	(vi)	<i>determine whether or not to contest an appeal against non-determination and where relevant</i> provide grounds of appeal and contest all appeals;	Council
	(vii)	observations on proposals for development by Government departments or in adjoining authority areas which would otherwise fall within the delegated categories.	Council
CP/DCS	(26)	Power to authorise the issue of the following (the signing and actual issue of the notices to be dealt with by the Director of Corporate Services):	
	(i)	Enforcement Notices under Section 172 of the Town & Country Planning Act 1990.	Council
	(ii)	Stop Notices under Section 183 of the Town & Country Planning Act 1990.	Council
	(iii)	Completion Notices under Section 94 of the Town & Country Planning Act 1990.	Council
	(iv)	Unopposed revocations under Section 97 of the Town & Country Planning Act 1990 and Section 239 of Planning (Listed Building & Conservation Areas) Act 1990.	Council
(with DRT)	(v)	Section 106 Agreements (Town & Country Planning Act 1990) and similar agreements concerning related legislation <i>including modification and discharge</i> .	Council
	(vi)	Orders under Section 102 Town & Country Planning Act 1990 requiring discontinuance of use, or alteration, or removal of buildings and works.	Council
	(vii)	Unopposed revocations of Listed	Council

Buildings Consent under Section 23 of Planning (Listed Building & Conservation Areas) Act 1990.

- | | | |
|--------|---|---------|
| (viii) | Notices under Section 54 and 55 of the Planning (Listed Building & Conservation Areas) Act 1990 concerning urgent works and recovery of expenses. | Council |
| (ix) | Making and recovery of grants under Section 57 and 58 of Planning (Listed Building & Conservation Areas) Act 1990. | Council |
| (x) | Listed Building Enforcement Notices under Section 38 of the Planning (Listed Building & Conservation Areas) Act 1990. | Council |
| (xi) | The enforcement of Advertisement Control. | Council |
| (xii) | The authorisation of Rights of Entry to premises and any land for all the purposes of the Town & Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990 and the Building Act 1984 (all these Acts as amended) and any Orders or Regulations made there under. | Council |
| (xiii) | The power to require information as to interests in land under Section 330 of the Town & Country Planning Act 1990. | Council |

and to give reasons in the Notice or Order for taking such action;

- | | | |
|-------|---|---------|
| (xiv) | Planning Contravention Notices under Section 171C of the Town & Country Planning Act 1990 | Council |
| (xv) | Breach of Condition Notices under Section 187A of the Town & Country Planning Act 1990 | Council |

CP

(27) The power to:

- (i) give directions and notifications under Regulation 4 of the Town & Country Planning (Applications) Regulations 1988 and Article 7 of the Town & Country Planning General Development Order 1988 to require applicants to submit further information to enable the Council to deal with an application or to verify any particulars; Council
- (ii) make determinations as to whether planning applications are departures from the development plan; Council

(iii) make determinations as to whether development would affect the character or appearance of a conservation area or the setting of a listed building to enable such applications to be advertised;	Council
(iv) make determinations under Section 73 of the Planning (Listed Building & Conservation Areas) Act 1990 as to whether a proposal should be advertised as affecting the character or appearance of the Listed Building or Conservation Area;	Council
(v) determine applications for non-material amendment to planning permission, minor material amendments to planning permission and extensions to time limits of existing planning permissions.	Council
Notes:	
(i) No decision will normally be issued within 43 weeks of the date of the weekly <i>lists</i> supplied to Members.	
(ii) In relation to paragraph 19(ii) above the definition of "dwelling" includes bungalows, flats, maisonettes and multi-occupied premises.	

	(iii)	“Details” as mentioned herein include siting, design, external appearance, materials, car parking, landscaping, site lines, access, levels and drainage.	
	(iv)	The Chief Planner will continue long established practice to deal administratively with very minor revisions, details, without formal registration, circular consultations or consultations from adjoining boroughs.	
Means of Escape in Case of Fire			
CP	(28)	Decide what means of escape in the case of fire are necessary at premises to which the Housing Acts 1985 and 2004 and Sections 24 and 71 of the Building Act 1984 apply; and serve a notice under those sections where these means are not provided.	Leader
Buildings of Special Architectural or Historic Interest			
CP	(29)	Approach <i>Historic England</i> to spot list properties on the list of buildings of special architectural interest if they are threatened.	Leader
Repeat Planning Applications			
CP	(30)	Authority to decline to determine repeat applications in accordance with the provisions of Section 70(a) of the Town & Country Planning Act 1990.	Council
Control of Unauthorised Advertisements			
CP	(31)	Authority to take action under Sections 10-12 of the London Local Authorities Act 1995 relating to the control of unauthorised advertisements.	Council
Untidy Site Notices			
CP	(32)	Authority to issue Untidy Site Notices under Section 215 of the Town & Country Planning Act 1990, with such decisions being reported to the next available meeting of Plans Sub-Committee for information.	Council