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DATE: 2 December 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 **THURSDAY 10 DECEMBER 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 **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 Friday 4 December 2015.

- 4 **CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 29 OCTOBER 2015** (Pages 1 - 8)
- 5 **PLANNING APPLICATION - (15/03136/FULL1) - 25 ELMFIELD ROAD, BROMLEY BR1 1LT (CONQUEST HOUSE) - BROMLEY TOWN WARD** (Pages 9 - 46)
- 6 **LOCAL PLAN DRAFT ALLOCATIONS, FURTHER POLICIES AND DESIGNATIONS CONSULTATION SEPTEMBER/OCTOBER 2015 INITIAL REPORT** (Pages 47 - 50)
- 7 **LOCAL GREEN SPACE** (Pages 51 - 70)
- 8 **REVISIONS TO THE STATEMENT OF COMMUNITY INVOLVEMENT (SCI)** (Pages 71 - 92)
- 9 **LOCAL DEVELOPMENT SCHEME 2015-17** (Pages 93 - 116)
- 10 **DELEGATED ENFORCEMENT ACTION (JULY-SEPTEMBER 2015)** (Pages 117 - 120)
- 11 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006, AND THE FREEDOM OF INFORMATION ACT 2000**

The Chairman to move that the Press and public be excluded during consideration of the items of business listed below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.
- 12 **EXEMPT MINUTES OF THE MEETING HELD ON 29 OCTOBER 2015** (Pages 121 - 122)

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## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held at 7.30 pm on 29 October 2015

### **Present:**

Councillor Peter Dean (Chairman)  
Councillor Nicky Dykes (Vice-Chairman)  
Councillors Vanessa Allen, Graham Arthur, Kathy Bance MBE,  
Eric Bosshard, Katy Boughey, Lydia Buttinger, Ellie Harmer,  
David Livett, Alexa Michael, Neil Reddin FCCA and Michael Turner

### **Also Present:**

Councillors Peter Fortune

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

Apologies were received from Councillor Charles Joel; Councillor Neil Reddin acted as substitute.

Apologies were also received from Councillors Auld, Fawthrop and Scoates.

### **30 DECLARATIONS OF INTEREST**

Councillor Allen declared a personal interest in Item 5 - Harris Academy Beckenham, as she was acquainted with both the supporter and objector to the application.

### **31 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 8 SEPTEMBER 2015**

**RESOLVED** that the Minutes of the meeting held on 8 September 2015 be confirmed and signed as a correct record.

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

No questions were received.

### **33 (15/00909/FULL1) - HARRIS ACADEMY BECKENHAM, MANOR WAY, BECKENHAM BR3 3SJ**

Members considered events following a resolution by the Committee on 13 July 2015 to grant permission for the following planning application report:-

Item No.	Ward	Description of Application
5 (page 15)	Kelsey and Eden Park	Demolition of all buildings on site (except the basketball block) and erection of replacement buildings to accommodate a 3 storey 6FE Academy (8,112 sqm GIA) for 1,150 pupils and a 2 storey primary Academy (2,012 sqm GIA) for 420 pupils together with temporary classroom accommodation for a period of two years, provision of 97 car parking spaces, 170 cycle parking spaces, associated circulation and servicing space, multi-use games areas and landscaping.

On 24<sup>th</sup> July, a Pre-Action Judicial Review Letter was received from Kelsey Estate Protection Association (KEPA) which set out a proposed claim for Judicial Review of the Council's resolution to approve planning permission. As a result, the issuing of a decision had been held back, to take account of legal advice and allow time for further contact and mediation.

Members were therefore requested to consider KEPA's challenges which were referred to and addressed in the report.

Oral representations in objection to the application were received from Mr Mike Mielniczek who considered the Committee had been misled by information given in relation to traffic and parking pressure. The Lambeth Methodology guidance advised traffic surveys should be undertaken within a distance of 200 metres for residential developments and 500 metres for commercial developments. The Authority argued that as the school was not residential, the guidance allowed flexibility to treat it as a commercial development so, in this regard, the 500 metre survey limit was reasonable. However, KEPA considered that as the planning department had established a precedent by applying the 200 metre limit to primary schools it had, therefore, taken on the status as a development plan statutory limit and must be applied. Moreover, the original report to Committee confirmed the use of 200 metres, as read to the Committee by Mr Meilniczek.

Mr Mielniczek claimed the Committee had been consistently misled on this matter; the affect being to dilute detriment to the conservation area; this was material, evidenced, planning fact.

Turning to educational need, Mr Mielniczek stated that the original report outlined the requirement to establish the educational need position in 2017/18 because that was when the current permission for temporary school places expired. It was agreed by all that the temporary provision more than adequately covered requirement, as evidenced by the information contained in Document K of the current report. Outturn statistics should also be considered as opposed to projections.

Document K recorded a projected surplus of 21 places in 2017/18 within planning area 2 which was where the application site was located. However, it did not record equivalent statistics for planning area 1 which showed a surplus of 68 school places. In total there were 89 surplus school places so even when the 60 temporary school places expired, a surplus of 29 would still remain.

The Home to School Travel and Transport Guidance set a statutory walking distance of 2 miles for children under the age of 8 and 3 miles for those aged 8 and over and each way public transport journeys of 45 minutes. Based on this, the guidance concluded PA1 schools would be outside of this consideration. Mr Mielniczek argued that as all primary schools in planning area 1 were within 2 miles walking distance or 45 minutes via public transport, Bromley's own policy standard for planning areas 1 and 2 provision should be aggregated.

Whilst a further 60 places would be provided by the Langley Primary School, the planning report discounted this on the grounds that a planning application had not yet been received. However, Chapter 6 of the Local Plan Consultation background papers specifically allocated the Langley School site for the Langley Primary School. These documents were material policy statements and it was wrong to entirely exclude them in making a projection of supply of places in two years' time, particularly when doing so directly affected the integrity of a conservation area.

Oral representations in support of the application were received from Mr Mike Ibbott, the planning consultant to Kier Construction who were contracted to the Education Funding Agency to build the replacement secondary and new primary school.

Mr Ibbott stated he was disappointed that this matter was returned to Committee as he considered the matters of educational need and transport impacts had been adequately and appropriately considered at the previous meeting. The resulting delay meant that permanent primary accommodation would not be available until September 2016 which in turn, led to a second year of temporary accommodation for the pupils and teachers at significant cost to the public purse.

The primary school was now open and operating from temporary accommodation granted on appeal in January 2015. KEPA had implied that the pupils would be dispersed elsewhere when the temporary permission expired in July 2017 - this was a completely untenable view.

Turning to the summary issues paper submitted at the previous meeting, Mr Ibbott referred to Policy 3.13D of the London Plan which stated that proposals for new schools including free schools, should be given positive consideration and should be only be refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school and which cannot be addressed through the appropriate use of planning conditions or obligations.

With regard to educational need, it was clear from LBB's own Primary School Development Plan that provision of reception school places (a statutory duty) was reliant upon the 60 places at Harris Primary Beckenham. No accommodation as yet, had been secured for Langley Primary School. It was clear that Planning Area 2 required both schools.

KEPA's interpretation of the Lambeth Methodology guidance was incorrect.

The School Travel Plan contained a condition which provided an opportunity to make sure on-street drop-off and pick-up was appropriately managed as well as encouraging alternatives.

With regard to planning balance, there was strong policy support for new buildings for the school that had already been established on the site. Whilst there would be some intensification, the effect could be effectively mitigated and managed by conditions and a S106 contribution to highway maintenance.

In response to a Member question, Mr Ibbott reported that the delay in proceeding with the development had already cost £½ m.

Councillor Peter Fortune, Portfolio Holder for Education, addressed the Committee and believed the facts of the case had been adequately considered and discussed at the previous meeting. He recognised the difficulty Members faced in balancing the views of residents against the vital need for education provision in the Borough. Whilst the application met both educational need and the Council's responsibility towards the Borough's children, it did not override the rights of residents whom the Portfolio Holder thanked for bringing the concerns forward.

Councillor Fortune believed a balanced and considered view of the application including education, parking and conservation area matters, had been accorded by Members and he supported their decision to grant permission. The submitted documents effectively rebutted the views put forward by residents and if all facts relating to the application had not changed in any way since the initial consideration then that decision should remain the same.

The Chief Planner reported the following:-

- an application from Stewart Fleming School to expand to 3FE had been granted permission in mid-August 2015; and
- further letters in objection to and in support of the application had been received.

The Chairman issued the following statement:-

“The development is in my ward and this does not put me in an enviable position. Inevitably, if this goes ahead, it will have an impact on local residents living in close proximity to the site. However, I have to balance this

with my responsibility to the wider community including nearby Kelsey and Eden Park residents who have or will have, a need in the future for school places.

The principle of development was established at a previous Development Control meeting when both the secondary school and the primary school applications were received.

The secondary school effectively has a green light and is going ahead however, local residents have challenged certain aspects of the application for the primary school and it is in the interest of public transparency that we are here tonight.

Certain aspects of the application have already been determined to our satisfaction – notably the intensity of the development and the potential disruption through noise created by additional pupils.

The areas we are reconsidering tonight are the need for educational places, the basis on which the traffic stress survey was compiled and the subsequent impact on the street scene.

Whilst I understand this application is emotive, I intend to look at this on pure planning grounds and the likely considerations of an appeal inspection in the event that a refusal resulted in an appeal.

First and foremost, the Education Department and KEPA (local residents), have provided projected figures of school places that will be required over the next few years. Both have indicated that there is an educational need in both Planning Areas 1 and 2, particularly if the provision for the proposed new Langley school is omitted. At this stage there is no planning application for the new Langley school and as such I do not feel it is appropriate to take this into consideration when debating current educational need.

I accept there is a degree of inconsistency in the approach taken in that in a previous application it was established that there was insufficient educational need in Planning Area 2 to justify a new school but the requirement in Planning Area 1 was sufficient to satisfy the need.

In this case it is recognised there is availability in Planning Area 1 and barely enough in Planning Area 2 however, we are not on this occasion taking an overall approach. Whether the approach is right or wrong, we are clearly directed to the fact that children should not have to travel more than 45 minutes to school. As a consequence, we have no alternative but to conclude that there is an educational need particularly in Planning Area 2.

With regard to the traffic stress survey, questions have been raised as to the basis on which this was concluded. There is a contention that the survey should have been conducted within 200 metres of the school where KEPA's conclusion was that there would be a 125% concentration of traffic at peak hours.

The stress survey was conducted within a 500 metre radius of the school which clearly showed a much more diluted result and one with which our own traffic engineers expressed satisfaction.

There are two factors that must be considered in making a determination on the stress survey. First, the survey was conducted on the Lambeth Methodology which is a widely used standard in assessing traffic stress levels. However, we must bear in mind that the Lambeth methodology in assessing traffic stress is not a required standard and planners have no actual requirement to employ it.

Secondly, we must consider whether a planning inspector would agree that the level of traffic concentration suggested within 200m of the school during an initial peak period would be sufficient to deprive an area of 400 primary school places where an educational need has clearly been established bearing in mind the concentration of traffic is considerably reduced when the area under consideration is extended to 500m again and bearing in mind that there is no requirement to employ this system in assessing traffic stress. I feel quite strongly that an inspector would not so act and as such neither should we.

In conclusion, I would say that this application is far from perfect and inevitably the living standards and quality of life for local residents will be impacted. However, on balance, I think the educational need has been established and despite the dissatisfaction with the basis on which the traffic survey was carried out and as a consequence, I feel I have no alternative but to move permission as recommended in the report although it is with a great deal of regret that more appropriate sites from new schools are not being identified.'

In seconding the motion for permission, Councillor Buttinger agreed that a clear educational need had been established and this would go some way to fulfilling the Authority's responsibility to children in the Borough.

**Having reviewed the Committee's resolution of 13 July 2015 and taking the report into account, Members RESOLVED that PERMISSION BE GRANTED subject to the same S106 Legal Agreement and the same condition as in the 13 July 2015 resolution.**

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

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



**35 HARRIS ACADEMY BECKENHAM, MANOR WAY,  
BECKENHAM BR3 3SJ**

Members considered confidential legal information relating to the planning application for Harris Academy, Beckenham.

**RESOLVED that the report be noted.**

**36 URGENT SUPPLEMENTARY AGENDA**

The Chairman moved and Members agreed, that the urgent item be considered.

**37 DC/15/00140/FULL3 - OLD TOWN HALL, 30 TWEEDY ROAD,  
BROMLEY BR1 3FE – SECTION 106 AGREEMENT**

**Report DRR 15/0100**

On 8 September 2015, the Development Control Committee granted permission for the development of the Old Town Hall for hotel use and the adjacent South Street Car Park site for residential use. Permission was subject to the signing of a S.106 Legal Agreement with numerous clauses including one to secure the conversion and delivery of the Old Town Hall prior to the first occupation of the residential units in the South Street Car Park.

Subsequently, Members were requested to note that the Council intended to proceed in line with the wording offered by the developer for the clause relating to the secure delivery of the Old Town Hall element of the overall scheme.

**RESOLVED that the report be noted.**

The meeting ended at 8.00 pm

Chairman

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**Application No :** 15/03136/FULL1

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

**Address :** 25 Elmfield Road Bromley BR1 1LT

**OS Grid Ref:** E: 540519 N: 168817

**Applicant :** Taylor Wimpey

**Objections :** YES

## **Description of Development:**

Demolition of existing building and erection of 12/13 storey mixed use building to comprise commercial 881.5 sqm (GIA)/ retail floorspace at ground and part first floor level (Class A1/A2/A3/B1) and 69 residential units at upper floors (27 one bed, 31 two bed and 11 three bed), 46 car parking, 132 cycle parking, refuse stores and landscaping and other associated works

## **Key designations:**

Article 4 Direction  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Bromley Town Centre Area  
Bromley Town Centre Area Buffer 200m  
Local Cycle Network  
Flood Zone 2  
London City Airport Safeguarding  
London City Airport Safeguarding Birds  
Smoke Control SCA 5  
Smoke Control SCA 12  
Smoke Control SCA 13

## **Proposal**

Planning permission is sought for the demolition of the existing building at 25/27 Elmfield Road and the construction of a 12/13 storey building to comprise 2 commercial/retail units at ground floor levels, B1 office space at first floor level and 69 residential units on the upper floors. Car and cycle parking will be provided in the part basement/part surface car park. Public realm improvements along Palace View and Elmfield Road are proposed. A refuse store located on the ground floor is accessed from Elmfield Road. Late modifications were made to the proposals and these are discussed later in the report.

## Appearance and Scale

- o 12/13 storey building
- o facades are mainly constructed from a single type of Bromley red brick
- o the building is split in to four main parts:

- a plinth on the lower levels, meets the ground with solid brick columns, and glazing and composite stone cladding between;
- the mid-section is predominantly of red brickwork;
- the top reintroduces the composite stone cladding between brick columns; and
- the fourth element is a gridded composite stone screen on the lower levels of the eastern elevation up to the 8th floor which steps down towards the Palace Estate

### Site Layout

- o residential/upper floor commercial entrance on Elmfield Road with shared entrance lobby
- o an area of hard landscaping and tree placing planting are provided on Elmfield Road with visitor cycle parking (8 spaces) and access to refuse store at ground floor.
- o lower ground/basement level provides car parking. The proposals provide a total of 46 spaces (64% provision), 10 of which use stacking equipment to allow 2 cars to occupy a single space
- o 120 secure residential and commercial cycle parking spaces and 3 motorbike spaces are also located in the basement
- o off-site public realm improvements to the public realm along Palace View and the provision of 2 car club spaces on street, replacing existing public parking. Neither of these is shown on the application drawings and they fall outside the red line application area.

### Mix of Uses

- o the building will consist of total of 69 flats, comprising 27 one bedroom flats, 21 two bedroom flats and 11 three bedroom flats
- o a total of 7 of the flats are proposed to be affordable. These will be located on the third floor and consists of 3 one-bedroom flats, 3 two bedroom flats and one three bedroom flats. This constitutes 10.1% provision
- o private amenity space is provided in the form of balconies or terrace spaces to each unit
- o all residential units will be built to 'Lifetime Homes' standard and 10% wheelchair accessible
- o the proposals meet and in some areas exceed the Mayor's Housing Design Guide
- o the development will have a residential density of 414 units per hectare (1,099 habitable rooms per hectare)
- o the proposals offer 741.1sqm of B1 office space at first floor level and 140.4sqm of flexible commercial space (B1/A1/A2/A3/A4) on the ground floor

### Changes from Appeal Application:

The Applicant has made a number of physical changes to the design of the current Application in response to the Appeal decision. They key changes are:

- o the building has been reduced in height by 4 storeys with the main part of the building becoming similar height to the adjacent Bank of America building
- o the height of building steps down in 3 stages towards the Palace Estate (previously it stepped down only twice)
- o "Bromley red brick" has become the primary material for main part of the building with composite stone cladding to highlight the top and bottom of the building - this combination has replaced the previous applications Blue Brick plinth at lower levels and large scale use of metal cladding
- o a composite stone screen has been added to the Palace Estate Elevation
- o to address amenity issues some balconies have been re-orientated and there are fewer balconies overlooking the Palace Estate (this is partially due to the reduction in height)
- o areas of ground floor glazing have been increased to further increase this activity and frontage
- o entrances to ground floor units are recessed along Palace View to make them more visible

### Applicant's Submission

The application is supported by the following documents and reports:

The application is accompanied by a Planning Statement, in which the applicant offers the following summary points in support of the application.

- o The Application proposes the demolition of the existing mixed use building and the erection of a 12/13 storey mixed use development, comprising:
  - 881.5sqm (GIA) of commercial floorspace (Use Class B1/A1/A2/A3) at ground and first floors;
  - 69 residential units (comprising a mix of one, two and three bedroom units) provided at second to fifteenth floors;
  - car parking in a basement and on surface comprising 44 spaces for residents, plus two on street spaces for a car club, and 132 cycle spaces; and
  - enhancements to the public realm.
- o This Statement has provided an assessment of the proposals against the Statutory Development Plan, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- o The proposals have been formulated in accordance with the adopted London Plan (2011), the London Borough of Bromley Unitary Development Plan Saved Policies and the Bromley Town Centre Area Action Plan.
- o The proposed development is considered to accord with the relevant policies of the adopted and emerging development plan, as well as being consistent with national planning policy.

- o The proposals have been developed in response to the refusal of planning permission following a public inquiry commencing in April 2014. Amendments have been made to the proposed building to respond to the Inspector's single reason for refusal, that being the impact on residential amenity.
- o In summary, the key amendments made to the 2013 Application scheme are as follows:
  - reduction in height by 10.5 metres;
  - the proposed building now stands at 12/13 storeys, with the eastern façade fronting the Palace Estate stepping back at the eighth and tenth storeys;
  - reduction from 82 to 69 residential units; and
  - on the Elmfield Road frontage, the first floor commercial floorspace has been re-planned to provide two storeys of residential accommodation.
- o The proposals will deliver an appropriate mix of uses and provide a high quality built environment which is well-related to the surrounding context. The proposals will enhance the town centre and respond to policy objectives for this location which set out the need for mixed-use development.
- o The existing office floorspace on site is of poor quality and is in part vacant despite considerable marketing efforts. The proposed scheme provides for 881.5sqm (GIA) of commercial floorspace, of which at least 741sqm (GIA) is guaranteed as Class B1 use. This will secure an uplift in commercial floorspace of at least 16% over the existing situation. Furthermore, the redevelopment of the site affords an opportunity to provide modern commercial space that represents a significant improvement to its quality and flexibility, in line with planning policy objectives.
- o The delivery of new housing is a key policy requirement at all levels and the proposed development will provide high quality residential development within the town centre, with residents contributing to the viability of local services and the vitality of the wider centre. A mix of units is to be provided in line with local housing market requirements, and the decision to deliver primarily smaller units reflects the fact that Bromley is well served by larger private family units.
- o The applicant considers that the principle of a tall building in this location is wholly acceptable when considered against relevant policy considerations and other material guidance. The proposed building stands at 12/13 storeys and takes its cue in terms of height from the adjacent Bank of America building.
- o A Townscape and Visual Impact Assessment has been produced by Montagu Evans and accompanies this application. In the applicant's view, the assessment provides a rigorous analysis of the effects of the proposed development on the existing townscape character and setting of nearby heritage assets. It is concluded that the proposed development will have no material effect on the significance of any heritage assets or the character of any residential area studied.

- o The proposals include the provision of 44 car parking spaces for use by residents, along with the provision of two additional spaces on Palace View for use by car club vehicles. 112 cycle spaces are to be provided for residents, along with 12 in association with the commercial use and 8 at street level for visitors and for public use.
- o In conclusion, the applicant considers that the proposed development is in accordance with relevant national and regional planning policy guidance, the Council's saved UDP policies and policy set out in the Bromley Town Centre AAP.

The application is supported by the following documents and reports:

Air Quality Assessment (Mott MacDonald - July 2015) - was submitted in support of the previous planning application for a different design in April 2013. The report notes that since 2013 there have been many changes in guidance for assessing air quality impacts and any description of information being 'current' or 'latest' may therefore be incorrect. However, the report notes that the changes to the design for this new planning application are unlikely to change the conclusions of the report.

The report proposes mitigation measures in respect of construction impacts to avoid and reduce emissions in line with Mayor of London requirements, and concludes that during operation air quality impacts on future occupiers are considered to be negligible and the proposals are not considered to conflict with any air quality related planning policy.

Archaeological Desk-Based Assessment (CgMs - July 201) - concludes that the site can reasonably be shown to have low archaeological potential for all past periods of human activity. No further archaeological mitigation measures are recommended.

BREEAM Ecology Report (Greengage - June 2015) - notes that the site is an office building and hardstanding with no features of vegetation or natural habitats and has negligible potential to support protected species or habitats of ecological value. The report recommends enhancements in the form of biodiverse green roofs.

BREEAM New Construction 2011 - Strategy Report (Mott MacDonald, July 2015) - sets potential target ratings of 'very good' for the retail and office floor space.

Daylight Sunlight Report (Anstey Horne, June 2015) - study undertaken in accordance with BRE Report 209 'Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice' which concludes that the layout of the proposed development follows BRE guidelines and will not significantly reduce sunlight or daylight to existing surrounding properties. The report concludes that Bromley's policy on daylight and sunlight will be satisfied.

Design and Access Statement (RMA Architects August 2015) - sets out the design rationale, the evolution of the scheme and the suitability of the site for a tall building. Includes Lifetime Homes checklist and details of wheelchair housing.

Energy Assessment (Mott MacDonald - July 2015) - demonstrates that the domestic and non-domestic units can meet the target reduction of London Plan Policies 5.2 and 5.7 as a whole. The proposals include an in-block CHP for domestic hot water, with heat interface units located within each apartment unit and communal photovoltaic panels located on the roof. Space heating is provided via a gas boiler system.

Flood Risk Assessment (Mott MacDonald - July 2015) - the assessment states that the current flood risk at the site is considered to be low, and the proposed development will not increase the flood risk. The proposed reduction in impermeable surfacing provides significant betterment over the existing site in terms of surface water management.

Heritage, Townscape and Visual Impact Assessment (Montagu Evans and Retina - July 2015) - sets out the planning policy context for the site, outlines the historic context to the site and identified potential heritage assets, sets out existing townscape character and viewpoints and assesses the impact of the proposal on townscape including heritage and visual assets. The report includes visual representations comparing the proposed development with the previous application from key vistas identified in the AAP and other non-designated local viewpoints.

The report concludes that the proposed development would have no material effect on the surrounding heritage assets. The report notes that the design has been broken down through its massing, form and materials to reduce its scale impact, and to introduce an architectural interest when seen from different angles and as such the proposals are well developed and are of high quality.

Noise and Vibration Assessment Report (Mott MacDonald - July 2015) - This document was issued in support of a previous application on the site in April 2013. However, given that the main change to the design is the reduction of the height of the building, it is not expected that the report's conclusions are likely to change. Whilst the 2014 edition of BS8233: Guidance on sound insulation and noise reduction for buildings was not available at the time of the previous report, it is noted that this updated guidance reinforces the criteria within the report and supports the validity of the conclusions.

The report proposes a scheme of noise control to protect habitable rooms from external road traffic noise. With suitable mitigation, the residential dwellings can achieve appropriate internal noise levels - therefore, the site is suitable for residential use in terms of noise. The report provides external noise limits for plant noise associated with the development based on background noise levels.

Phase 1 Geo-environmental Assessment (RSK - June 2015) - recommends that intrusive investigation is conducted on demolition of the existing building to establish the contamination status of the made ground and a geotechnical investigation carried out for the design of piled foundations and other infrastructure.



Sustainability Statement (Mott MacDonald - July 2015) - sets out how the proposal will contribute to sustainable development.

Statement of Community Involvement (Montagu Evans - July 2015) - sets out details of the pre-application consultation which was carried out with the local planning authority and the local community.

Transport Statement (Mott MacDonald - July 2015) - notes that the site has a high PTAL rating, and concludes that the level of parking provided will be adequate to cater for the needs of users of the site. Analysis of the potential impact of the development on the local highway network has concluded that there will be minimal impact on junctions in the vicinity of the site from development traffic, including the Elmfield Road, Elmfield Road/High Street and High Street/Westmoreland Road junctions.

Wind Microclimate Assessment (Mott MacDonald - July 2015) - concludes that the wind conditions are predicted to be 'very comfortable' for pedestrians with only one monitoring point falling outside of acceptable and into tolerable.

This concludes the applicant's submissions.

## **Location**

The application site, which slopes downward from west to east, is located on the eastern side of Elmfield Road, Bromley, and is currently host to a two/three storey building and a private car park. The site area measures approx. 0.1665ha. The existing building is currently used as offices on the lower ground floor and a private members club on the ground floor. The first floor office accommodation is not currently occupied. A second floor flat is also vacant.

The site falls within the Business Improvement Area (BIA) designated in the Bromley Town Centre Area Action Plan. The site is mostly within Flood Zone 1 although part of the site (underneath Kentish Way) falls within Flood Zone 2.

The area immediately surrounding the site in Elmfield Road is commercial in character, with office buildings to the north, south and west. These adjacent buildings vary in height, with those to the north and south being of three/four/five storeys in height. Buildings to the west, on the opposite side of Elmfield Road, feature taller elements of around ten storeys in height. The eastern part of the site is positioned underneath an elevated highway (Kentish Way) which forms part of Transport for London's strategic road network (A21). The area immediately to the east of the site and elevated highway is residential in character, and is typified by mostly two storey inter-war detached and semi-detached dwellings, including the Palace Estate.

## Consultations

### Comments From Local Residents:

The following publicity was undertaken: site notices were displayed on the Elmfield Road and Palace View site frontages and in Rafford Way from 28 August 2015; an advertisement was displayed in the local press on 9 September 2015 and the owners/occupiers of neighbouring properties were written to, with a total of 1,633 letters sent out.

A total of 135 representations were received, including 134 in objection and 1 in support.

The representations objecting to the application can be summarised as follows:

- o loss of amenity for both commercial and residential neighbours
- o excessive scale of the development, out of scale with its adjacent development
- o harmful to the character and appearance of the area
- o inappropriate location for a tall building
- o located in Business Improvement Area where residential development is not appropriate
- o insufficient provision of affordable housing
- o insufficient car parking
- o restriction of future development potential of adjacent site, Kingfisher House at 21-23 Elmfield Road
- o objection to potential retail use on Elmfield Road
- o potential impact on local services (schools, hospitals, GPs)
- o contrary to Planning Policy, especially the AAP
- o impact on the skyline
- o disruption and noise to both businesses and residents during construction
- o light pollution from residential tower at night
- o lack of serving bays/facilities for business units
- o concerns about loss of light and overshadowing
- o tower block is not a suitable type of housing for families

The representation in support notes that the revised development is no higher than the adjacent Bank of America building, and is a very welcome and necessary addition to the local economy which does not impact on the adjacent residential area, but complements it.

### Comments From Consultees:

The following comments were received:

Highways had no objection in principle to the Application, and have recommended a number of conditions relating to access arrangements, car parking, cycle parking, lighting, highway drainage, the construction works and to secure a travel plan.

Highways stated that the applicant should be aware that the loss of on street bays to two car club bays require relocation, however if the relocation of these bays are not feasible, then the applicant must recompense the Council for loss of revenue.

Transport for London (TfL) stated that to accord with the London Plan the Development should be car free. They also raised concerns with the potential fire risk of having electronic car stackers under the A2 and wished to assess how the Applicant will facilitate access for TFL under the flyover to access and maintain the road carriageway. They request blue badge parking for the potential retail unit on Elmfield Road, electronic vehicle charging points for residents and an additional 3 cycle spaces.

Environmental Health (pollution) raised no objections in principle. The Borough's Officer recommends a number of conditions relating to the protection of the dwellings from traffic and plant noise, air quality and ground contamination. A condition was also suggested to obtain a demolition and construction noise management plan prior to work commencing. It was also observed that details of kitchen extraction systems will be required if any of the units are to be used within Class A3.

Thames Water has no objection in principle, but requests an informative be attached to any planning permission regarding minimising groundwater discharges into the public sewer. Thames Water requests conditions in relation to (i) details of how the developer intends to ensure the water abstraction source is not detrimentally affect by the proposals prior to commencement of development; and (ii) foundation design.

Drainage. The Borough's Drainage officer objected to the proposals. The Officer stated that the Surface Water strategy was not acceptable for the following reasons:

- o the Applicant has discounted the use of infiltration without carrying out a soakage test; and
- o the Flood Risk Assessment states that the proposed run-off rate will be the same

The Environment Agency (EA) did not consider this proposal to be high risk and did not provide any site-specific comments on contamination issues. The EA asked that the agency are informed if contamination is identified on site at any later date that poses a risk to controlled waters.

Metropolitan Police: The Metropolitan Police Designing Out Crime Officer required the standard 'secured by design' condition to be imposed.

Historic England raise no objections. They considered that the development would not affect archaeology and recommended that any additional pre - or post determination archaeological assessment/evaluation of the site be waived.

GLA: The application was referable to the Mayor of London under category 1C of the schedule to the Town and Country Planning (Mayor of London) Order 2008 as

it comprises a new building of more than 30 metres in height and is outside the City of London. The Greater London Authority provided its Stage 1 response on 20 October 2015, which concluded that whilst the application is broadly acceptable in strategic terms, it does not fully comply with the London Plan. The following areas of concern were identified:

- o The GLA welcomes the inclusion of seven shared ownership units. However, this amount is below policy requirements and the applicant has sought to justify the proposals in a separate viability appraisal report. The GLA recommends that the viability appraisal report should be independently assessed on behalf of Bromley Council and the findings shared with GLA officers.
- o The only provision of external space proposed on site is balconies and small, private amenity spaces. The applicants have stated that the requirement for play and informal recreation space would be met by the existing local provision of parks and public gardens within easy walking distance of the site. However, the GLA suggests that the design is missing the opportunity to include amenity space on the roof of the buildings and the applicant should set out if this option has been explored during the design evolution and why it was rejected.
- o The overall approach to the building height, scale, massing, appearance and layout is supported. Although the reduction in height to 12/13 storeys results in the building appearing somewhat truncated, the revised offset angular and stepped massing approach does somewhat alleviate its impact. The treatment of the upper levels results in an abrupt large flat roof. It is officer opinion that the roof could be made more of a feature to enhance the crown/top of the building through the adoption of a roof terrace which would also improve the provision of amenity space and on-site door step play space.
- o Further information is required in respect of the energy strategy to demonstrate to GLA officers that the proposed approach is sufficiently robust and compliant with the energy requirements of the London Plan.
- o Recommendations are made on increasing surface water attenuation and reducing flood risk to comply with Policy 5.13 of the London Plan, and it is suggested that this may be secured by an appropriately worded planning condition.
- o The applicants should provide additional information and hold further discussion with TfL to resolve outstanding issues.

## **Planning Considerations**

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

### Unitary Development Plan

- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility
- T7 Cyclists

- T18 Road Safety
- H1 Housing Supply
- H2 Affordable Housing
- H7 Housing Density and Design
- BE1 Design of New Development
- BE2 Mixed Use Developments
- S9 Food and Drink Premises
- ER9 Ventilation
- IMP1 Planning Obligations

Bromley Town Centre Area Action Plan (AAP).

- BTC1: Mixed Use Development
- BTC2: Residential Development
- BTC3: Promoting Housing Choice
- BTC4: New Retail Facilities
- BTC5- Office Development
- BTC5: Office Development
- BTC8: Sustainable Design and Construction
- BTC9: Flood Risk
- BTC11: Drainage
- BTC12: Water and Sewerage Infrastructure
- BTC16: Noise
- BTC17: Design Quality
- BTC18: Public Realm
- BTC19: Building Height
- BTC20: Play and Informal Recreation
- BTC24: Walking and Cycling
- BTC25: Parking
- BTC28: Car Clubs
- IA2: Business Improvement Areas

London Plan

- 2.6 Outer London: Vision and Strategy
- 2.7 Outer London Economy
- 2.8 Outer London: Transport
- 2.15 Town centres
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young peoples' play and informal recreation facilities
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction

- 5.5 Decentralised energy networks
- 5.6 Decentralised energy and development proposals
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.15 Water use and supplies
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 8.2 Planning Obligations.
- 8.3 Community Infrastructure Levy

The National Planning Policy Framework (NPPF) is also a consideration. Sections 2 'Ensuring the vitality of town centres'; 6 'Delivering a wide choice of high quality homes' and 7 'Requiring good design' are of particular relevance here.

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

- o Affordable Housing SPD
- o Planning Obligations SPD

The following documents produced by the Mayor of London are relevant:

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

The following non-statutory guidance is also relevant:

CABE/English Heritage Guidance on Tall Buildings (2007)

In accordance with the adopted Planning Obligations SPD, the Council would be seeking the following contributions:

£175,508.19 for local education infrastructure

£77,211 for local health infrastructure

A financial viability assessment (FVA) was submitted confidentially with the application. An independent review of this information was commissioned by the Council. The review found that the assumptions in the FVA are generally reasonable. However, the S106 costs assumed in the FVA are higher than those set out above. This results in the residual land value calculated by the independent review being in excess of the benchmark land value, suggesting that the scheme could afford to deliver a greater number of affordable homes. The applicant has agreed to increase the affordable housing provision to 10 units in accordance with this assessment.

From the conservation perspective it is noted that the site is approximately 300 metres to the south of the Bromley Town Centre conservation area and given the nature of development in this area it is not considered that the proposal would impact upon views into or out of the conservation area. The nearest listed buildings are the Former Bishops Palace off Rafford Way and the St Marks School on Mason's Hill. Again given the separation and changes in topography it is considered that there would be no visual harm to the setting of these heritage assets. In particular, views from the grounds of the Palace Gardens would not be impacted upon due to the screening provided by existing development and trees.

### **Planning History**

Planning permission was granted on 24 November 1967 (ref. 19/67/2522) for: Club premises on the ground floor, office accommodation on the first floor, caretakers flat on the second floor with twenty one parking spaces at the rear.

A subsequent permission was granted on 26 March 1979 (ref. 19/68/1263) for a two-storey side extension to the existing building. Since this time, applications for minor development have been granted at the Site, including an application for an enclosed lift shaft in 1990 (ref. 90/00724/FUL).

In September 2013, London Borough of Bromley (LBB) refused planning permission for an application submitted by Taylor Wimpey East London and the Leander Group in April of the same year for the redevelopment of Conquest House (ref. DC/13/01202/FULL1) comprising 16 storeys and 82 residential units.

The Council's decision notice was issued on 27 September 2013 and listed four reasons for refusal, as follows:

I. The proposed development would, by reason of its height, scale, siting and design which would not be of the outstanding architectural quality required by the development plan, appear as an unduly prominent and overbearing addition to the town centre sky line, out of character with the scale, form and proportion of adjacent development, giving rise to an unacceptable degree of harm to the character and appearance of the area including the adjacent Palace Estate, contrary to Policies BE1 and BE17 of the Unitary Development Plan, Policy BTC19 of the Bromley Town Centre Area Action Plan and London Plan Policy 7.7.

II. The proposed development would, by reason of the height, scale and footprint of the building and its proximity to boundaries and the Kentish Way constitute over development of the site, with very limited space retained at street level to offset the significant mass of built development and provide a satisfactory setting for the development, and would give rise to a loss of amenity to neighbouring residents with particular regard to overlooking and loss of privacy, contrary to Policy BE1 of the Unitary Development Plan and London Plan Policy 7.7.

III. The proposed development would fail to meet the Council's requirement for the provision of on-site affordable housing, with insufficient justification provided to demonstrate that a lower level of on-site affordable housing or different tenure mix should be sought in this case, contrary to Policy H2 of the Unitary Development Plan.

IV. The proposed development would, by reason of the proposed land use mix, result in an inadequate provision of employment floorspace, which would not maximise the opportunity for new employment generating activity in the Business Improvement Area, contrary to Policy BTC5 and Policy IA2 of the Bromley Town Centre Area Action Plan.

The Applicant lodged an appeal against the refusal to grant planning permission in December 2013. The appeal was confirmed as valid by the Planning Inspectorate in January 2014 and a Public Inquiry commenced in April 2014.

The Inspector published his decision on 24 July 2014, dismissing the appeal on the grounds that its excessive height would result in an unduly overbearing new building that would damage, unacceptably, the living conditions of nearby residents. An analysis of the differences between the two schemes is in the Conclusions section below. A copy of the Inspector's decision letter is attached to this report. The Inspector's report is material consideration in determining the latest application, although the differences should be taken into account.

## **Conclusions**

The analysis of the proposals is structured as follows:

- o Comparison with the proposal recently turned down at appeal
- o the appropriateness of the site for a tall building and the relationship of the proposal to the wider townscape;
- o the impact on the amenity of adjacent properties;



- o the architectural quality of the building;
- o quality of residential accommodation;
- o affordable housing; and
- o transport and parking.

Comparison with the proposal recently dismissed at appeal

As stated earlier in this report the Applicant has made some physical changes to the design of their building since the Appeal. The most significant of these are:

- o A reduction in height from 16 to 12 storeys and associated change of mix/uses
- o Re-design of each elevation and changes to the materials
- o A change to the profile of the building so that it steps down in height more as it reaches the Palace Estate

However, the building remains similar in style and appearance to the previous scheme. These changes do not fundamentally change the issues raised by constructing a tall building in this location. The reasons why are explained in the following sections.

The appropriateness of the site for a tall building and the relationship of the proposal to the wider townscape:

Policy 7.7 of the London Plan states that "Tall and large buildings should be part of a plan-led approach to changing or developing an area by the identification of appropriate, sensitive and inappropriate locations. Tall and large buildings should not have an unacceptably harmful impact on their surroundings."

The UDP does not identify any specific 'tall building' sites for the town centre. Instead, whilst given assurance that each case will be considered on its own merits, the UDP makes it clear that there would be limited opportunities for tall buildings in the Borough.

The Bromley Town Centre Action Plan (AAP) identifies sites which, in accordance with policy BTC19 'Building Height', are considered suitable for the development of tall buildings. These locations have been carefully identified through a thorough process of urban design and townscape analysis which considered the environmental impacts of a tall building, their impacts on listed buildings and the town centre conservation area, impact on key views and integration in to the surrounding area. The application site is not one of the sites identified in the AAP as suitable for a tall building. As noted in the appeal decision for the previous scheme, the fact that the site is not identified in the AAP as suitable for a tall building is not necessarily fatal to the scheme, which can still be considered on its own merits, but it is a distinct disadvantage in that locating any 'tall building' here would not comply with a plan-led approach towards such development.

In considering the relationship of the proposal to the wider townscape, UDP Policy BE17 and London Plan Policy 7.7 are of particular relevance. Policy BE17 states that proposals for buildings which significantly exceed the general height of buildings will be required to provide a design of outstanding architectural quality

that will enhance the skyline and a complete and well-designed setting, including hard and soft landscaping, so that development will interact and contribute positively to its surroundings at street level. London Plan Policy 7.7 states that taller buildings should only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building. Among other considerations, London Plan Policy 7.7 also states that taller buildings should relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm, particularly at street level; and incorporate the highest standards of architecture and materials.

The CABE/English Heritage Guidance on Tall Buildings (2007) sets out criteria for the evaluation of tall building proposals, including relationship to context, the effect on the historic context, architectural quality and credibility of design. The guidance advises that to be acceptable, any new tall building should be in an appropriate location, be of excellent design quality in its own right and should enhance the qualities of its immediate location and wider setting.

A key theme running through these policies and guidance is that new tall buildings should respond to their physical context, respecting and complementing the form, proportion, layout and scale of adjacent development.

The proposed development will, at 12-13 storeys in height, be significantly taller than the existing building on the site (2/3 storeys in height), neighbouring buildings on the eastern side of Elmfield Road (4/5 storeys in height), and adjacent residential development in the Palace Estate (typically 2 storeys in height). The development will be very slightly taller than the existing Bank of America building on the opposite side of Elmfield Road, which at 10 storeys in height is noted as the tallest existing development in this part of the town centre, and visible as such in the wider townscape.

The site is partially covered by an elevated roadway (Kentish Way/A21) which itself is around the equivalent of 3 building storeys in height, sitting just below the rooftops of the nearest dwellings in Rafford Way. This existing townscape feature acts as a clear marker in delineating the eastern edge of the town centre and the taller, higher density development in Elmfield Road from the smaller scale, lower density residential development in the Palace Estate. Currently, the lower building heights on the eastern side of Elmfield Road facilitate a stepped transition between these two distinct areas, with development rising relatively gradually from 2 to 10 storeys in height.

The applicant states in the Design and Access Statement that the proposals will sit in a cluster of existing tall buildings. However, the applicant's Design and Access Statement shows through analysis of building heights that - rather than being within a cluster of tall buildings - the application site is located within an area characterised by lower buildings. The analysis indicates that, whilst building heights along Elmfield Road are variable, there is a distinct difference in general heights along the east and west sides of the street. Buildings along the eastern side are 20 metres or less in height, whereas three buildings on the western side exceed 30 metres in height. This height difference across the street reinforces the edge of the town centre, and signals the transition from edge of town centre

adjacent to Kentish Way to the heart of the town centre. The proposed development would not relate to this established urban grain, disrupting the increase in height from east to west by introducing an unusually tall building.

The applicant's Heritage, Townscape and Visual Impact Assessment provides a number of views of the proposals, including views from the east from the Palace Estate. These show that the height and scale of the development proposed would occupy a dominant and overbearing position in the street scene when viewed from Palace View and Elmfield Road and therefore be detrimental to the character of the area.

The site is not suitable for a tall building as the proposals:

- o do not comply with a plan-led approach to the location of tall buildings;
- o fail to respond to the physical context, particularly the established urban grain of lower buildings on the eastern side of Elmfield Road and higher building to the west; and
- o create a dominant and overbearing presence to the Palace Estate.

#### Impact on the amenity of adjacent properties:

UDP Policy BE1 applies to all development proposals and requires that the relationship with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings. In addition, the policy requires development to respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing. With particular regard to tall buildings London Plan Policy 7.7 states that such development should not adversely affect their surroundings in terms of microclimate, wind turbulence overshadowing and noise (among other factors).

The application includes a Daylight and Sunlight Assessment which demonstrates that the proposed development will not significantly reduce sunlight or daylight to existing surrounding properties. In planning terms, therefore, it may be considered that the development would not give rise to an unacceptable loss of daylight, sunlight or overshadowing.

With regard to the possibility of overlooking and loss of privacy to arising from this, the scale of the building and its proximity to the Palace Estate are such that this is an area of the proposal that requires very careful consideration. It is principally the eastern elevation that is likely to cause concern as this faces onto small scale residential dwellings with private external space, quite different in character from the commercial uses adjacent to other elevations.

The appeal decision on the previous application for this site stated that the scheme was overbearing in nature and as such would be 'unacceptably damaging to the living conditions of the affected residents, destroying the attractive, intimate, small scale and domestic outlook enjoyed by them.' The appeal decision goes on to

state that the 'psychological perception of there being "eyes in the sky" would add to the damage caused to residential amenity'.

The revised proposal is 3-4 storeys lower than the previous application. It also steps back in slightly further from the Palace Estate as it rises. However, despite this reduction in height, the number of windows to habitable rooms in the eastern elevation of the redesigned building has increased in comparison to the appeal scheme. There are 57 windows to habitable rooms in the revised scheme, compared to 55 in the previous application.

The proposed reduction in height and increased step back from the Palace Estate has not addressed the issue of impact on amenity of residents and the increase in habitable room windows on the eastern elevation has increased the potential for impact. The proposals would have an unacceptably damaging impact on local residential amenity.

#### The architectural quality of the building:

The fundamental planning policy principle underpinning the design of tall buildings is that they should be of outstanding architectural quality. Policy BE17 of the UDP states that tall buildings should be of 'outstanding architectural quality' and Policy 7.7 of the London Plan states that tall buildings should 'incorporate the highest standards of architecture and materials, including sustainable design'.

In considering what is outstanding architectural quality, the CABE/English Heritage 2007 'Guidance on Tall Buildings' is helpful. This guidance sets out a number of criteria which the design of tall buildings should address in achieving outstanding design quality. The key ones considered in this section are:

- o The architectural quality of the building including its scale, form, massing, proportion and silhouette, facing materials and relationship to other structures. The design of the top of a tall building will be of particular importance when considering the effect on the skyline. The design of the base of a tall building will also have a significant effect on the streetscape and near view
- o The contribution to public space and facilities, both internal and external, that the development will make in the area, including the provision of a mix of uses, especially on the ground floor of towers, and the inclusion of these areas as part of the public realm. The development should interact with and contribute positively to its surroundings at street level; it should contribute to safety, diversity, vitality, social engagement and 'sense of place'.
- o The provision of a well-designed environment, both internal and external, that contributes to the quality of life of those who use the buildings, including function, fitness for purpose and amenity.

#### Form, massing and materials

The concluding section to the applicant's Heritage, Townscape and Visual Impact Assessment states that 'The design has been broken down through its massing, form and materials to reduce its scale impact. These same qualities introduce an

architectural interest and variety when seen from different angles as any such building will be.'

The building is composed of three elements: plinth, middle section and top. These elements step back on the Kentish Way elevation, with a composite stone screen being added to the middle section on this elevation. The other three elevations are largely flat, with little three-dimensional modelling to help break down the building's mass. This lack of modelling, together with the large flat roof, means that the building appears squat and slab-like in oblique views along Elmfield Road from the north and south. At the widest point, the building's north and south elevations are almost as wide as they are tall.

The squat, slab-like appearance of the building is due, in part, to overdevelopment of the site. The approach of 'filling' the available site area with the building and extruding the form upwards with limited modelling does not give opportunities to achieve design of the quality required by policy.

These squat proportions are reinforced through the materials and detailing. The middle section of the building (between floors 3 and 10) is largely made of a single material of red brick with horizontal bands of brickwork every two storeys. This horizontal banding emphasises the horizontal proportions of the elevations.

The applicant's submission makes many references to the Appeal Decision's comments on the architectural quality of the previous scheme, implying that - by default - they also apply to the new application. The Appeal Decision stated: 'The detailed architectural design is excellent. Particularly notable are the fine proportions of the windows and the precise detailing of the inset balconies...' It is important to note that the new application is a wholly different design from the previous scheme: not only is it 3 to 4 storeys lower, the detailed design is different. In particular, the windows are 'spread' much more evenly across the elevations, resulting in less distinct contrasts between vertical groups of windows and blank areas of elevation. This lack of distinct vertical contrasts means that the vertical proportions have been lost, further reinforcing the squat and slab-like nature of the building, particularly in the commonly experienced oblique views along Elmfield Road.

As noted in the CABE/English Heritage Guidance, the design of the top of a tall building is particularly important. The stone cladding between brick columns has the potential to create an elegant 'cap' to the building. However, this is not achieved because:

- o the unrelieved scale of the flat roof dominates these vertical elements;
- o except on the eastern elevation, the 'cap' is not set back from the middle section of the building - the change in materials alone is not sufficient to differentiate it from the middle section of the building;
- o the strong horizontal band of brickwork running around the top of the elevation at the roofline undermines the verticality of the brick columns, reinforcing the extent of the flat roof.

The applicant has proposed photovoltaic panels on the flat roof. These are not shown in the elevations or section, and so it is not possible to fully assess their likely impact on the design and appearance of the building.

#### Contribution to public space and facilities

The proposals will bring active ground floor uses to the area, and this would improve the public realm by providing surveillance of the area and so introducing a feeling of security for passers-by. The proposals include new hard landscape and tree planting to Elmfield Road that would create an appropriate setting for the development.

The application material also includes proposals to improve the public realm adjacent to the site in Palace View with new paving and tree planting. These proposals are outside of the red line boundary, and would need to be secured via a S106 Agreement.

The provision of a well-designed environment, both external and internal  
The site is located within the designated Business Improvement Area (BIA) in the AAP. Policy IA2 relates to BIAs and states that development proposals resulting in the loss of B1 office floorspace will not be permitted in the Business Improvement Areas, and further that the Council will work with businesses to secure improvements to premises and facilities and the appearance of the public realm to create a high quality business environment.

To meet policy requirements, as a minimum the existing B1 office floorspace (637sqm) should be re-provided. The application seeks a flexible consent for the ground floor commercial units. Only the first floor unit (741.1sqm) is guaranteed to be delivered as B1 office floorspace. The access to this floorspace is via the lobby which is to be shared with the residential units. The unit will not therefore have a strong street presence as it does not have its own front door or windows that are visible from Elmfield Road. The attractiveness of such a 'hidden' unit to commercial occupiers is questionable.

As delivery of commercial B1 floorspace is important to supporting the function of the area as a BIA, the Council will consider securing this floorspace through S106 or planning condition should the scheme be approved.

#### Quality of residential accommodation:

The application states that all dwellings will meet or exceed the minimum space standards set out in the London Plan and will be built to Lifetime Homes standards. The majority of the flats proposed provide dual-aspect accommodation, and all flats will have access to a private balcony or terrace. 10% of the flats (i.e. 7 flats) are proposed to be wheelchair accessible. The quality of residential accommodation proposed is considered to be satisfactory.

### Affordable Housing:

The original offer from the applicant of 7 shared ownership units on-site did not meet the Council's affordable housing policy set out at Policy H2 of the Unitary Development Plan. At 10%, the offer is below the requirement of 35% affordable housing. The applicant has revised that offer following discussions with the Council's Viability Consultant to 10 units which meets the required provision taking into account the viability of the scheme.

The applicant has justified the proposed affordable housing through a Viability Appraisal and through a number of points in the Planning Statement, including the management difficulties presented by access via a single vertical circulation core which does not allow for separation of market and affordable dwellings. It is not clear from the application material whether any of the shared ownership units would be provided as wheelchair accessible.

The affordable housing provision is considered acceptable subject to details being received.

### Transport and Parking

From the technical Highways perspective, the proposed development raises no significant concerns. The level of parking provision (including disabled bays) is acceptable, as is the level of cycle parking to be provided. However, the two car club spaces to be located on Palace View are currently Pay and Display spaces. These would have to be relocated. If relocation is not feasible the Applicant would have to recompense the Council for loss of revenue.

TfL has provided comments which identified a number of areas which require further consideration, and raise two major issues with the Applicant's proposed use of the area under the Kentish Way flyover as car parking. Primarily these relate to the potential structural impact and potential fire risk of placing electrically operated car stackers under the flyover. Furthermore TfL require HGV access to the flyover and have concerns over how the development would affect the serving and maintenance of the carriageway above.

In addition, TfL take a different view on the proposed level of car parking to the Council's highway officer and suggest that the development is car free - i.e. zero parking except for that needed for occupiers of the wheelchair accessible flats.

### **Conclusions**

The existing building on the site makes a neutral contribution to the area and there is no objection in principle to the redevelopment of the site with a slightly taller development incorporating an appropriate mix of uses having regard to the Business Improvement Area (BIA) designation.

However, the development currently proposed is excessive in terms of height and scale, and would result in negative impacts on the character of the surrounding area. It disrupts the established urban grain of Elmfield Road and will be a

dominant and overbearing addition to the street. By virtue of its height, massing and the presence of windows and balconies to habitable rooms, it will have an unacceptably damaging impact on the residential amenity of the Palace Estate.

The proposed development is not of the highest architectural quality, as the proportions of the building are squat, the flat roof dominates and the materials and organisation of detailed elements such as windows further reinforce the horizontality of the building. The form and massing of the building is indicative of overdevelopment. The failure to propose a building of outstanding architectural quality further exacerbates its negative impact on the character of the area.

Whilst the applicant has proposed 7 affordable (shared ownership) units on site (10%), which falls short of the 35% on-site provision required by UDP Policy H2. A Financial Viability Assessment has been considered by the Council's appointed independent assessors, and initial comments received suggest that the scheme could support a higher offer of on-site provision and continue to be viable.

#### Planning Statement Addendum and changes made to the scheme

In November 2016 the Applicant submitted additional information in support of the application, including proposed alterations to the fenestration of the elevation to the Palace Estate. These do not affect the analysis of the application for the following reasons:

##### 1 - Suitability for a tall building

The changes to the design do not address the concerns relating to the construction of a tall building on this site as outlined on pages 16-18 of this document. The proposed changes relate to the design of the Palace Estate elevation only and do not change the height of the building, and its impact of on the site and its surroundings.

The Applicant makes reference in the addendum to the Planning Statement to the recent appeal decision for the HG Wells site in Bromley Town Centre. This decision gave permission for a tall building on a site that is not identified for a tall building in the Bromley AAP. The addendum states that this sets a precedent that supports the principle of developing a tall building on Elmfield Road. He states that the site; 'Shares all the characteristics of the HG Wells site and as such a tall building is not in principle unacceptable in this location.'

The characteristics of the two sites are very different. As described above, the application site has a very distinctive relationship with its context that is wholly different from the HG Wells site. It is situated on the edge of the town centre on an elevated position where the impact of a tall building will be maximised. Furthermore, it breaks the established pattern of development along Elmfield Road that helps to make the transition from the town centre to surrounding low-rise residential development.



The amended Application remains contrary to Policies BE1 and BE17 of the Unitary Development Plan, Policy BTC19 of the Bromley Town Centre Area Action Plan London Plan Policies 7.4 and 7.7.

## 2 - Residential amenity

In response to concerns raised in consultation regarding the impact on residential amenity the Applicant has made the following changes to the Palace Estate elevation:

- o introduction of angled bay windows facing the Palace Estate;
- o introduction of angled winter garden screens to balconies facing the Palace Estate; and
- o introduction of obscured or opaque glass to the windows facing the Palace Estate.

The Applicant states that the revised design will: 'Allow windows within the proposed building fronting the Palace Estate to be focused with views to the south away from the Palace Estate with opaque glazing preventing overlooking.' He states that this will make overlooking physically impossible.

The inspector is very clear in his 2014 Appeal Decision that his reasons for dismissing the case related to the *'psychological perception of there being eyes in the sky'*. He states:

*'Although there would be some additional harm from overlooking any loss of privacy would not be sufficient reason, on its own, to dismiss the appeal. No windows directly face one another and distances between the appeal scheme's windows, which would have a view over the houses and gardens below, would be significantly greater than the 21m normally considered sufficient to prevent any material problems. The inset design of the eastern facing balconies, framing and defining views out, is a further ameliorating factor. Notwithstanding all this, the psychological perception of there being "eyes in the sky" would add to the damage caused to residential amenity. This extra emotional concern would further damage the quality of life of those affected'*

The new angled bay windows still read as openings in the façade. Whilst they will make overlooking very difficult they will still give a *'psychological perception of there being 'eyes in the sky''*. Furthermore, the drawings show that the windows are not opaque but translucent. Light will have to pass through these windows to provide day lighting to the interior spaces. In the hours of darkness light will be able to pass through these windows and they will appear as openings in the facade. The use of obscured or opaque (or translucent as it should more correctly be called) glass would potentially reduce the quality of the interior and exterior spaces for the new occupants by reducing daylight and obscuring views out.

Some of the bays are winter gardens with sliding screens that open to the elements. These are effectively projected balconies, which will bring activity closer to the Palace Estate than earlier designs.

The number of habitable rooms facing the Palace Estate remains unchanged. As stated in this report this is unacceptable.

The proposals remain to have an unacceptable impact on the residential amenity of neighbouring properties contrary to Paragraph 17 of the NPPF, Policy 7.6 of the London Plan, Policy BE1 of the UDP and Policy BCT177 of the AAP.

### 3 - Architectural Quality

This report outline concerns about the architectural quality of the proposals, namely:

- o the contribution to public space and facilities;
- o the provision of a well-designed environment, both external and internal;  
and
- o the form massing and materials.

The changes to the Palace Estate elevation do not address the concerns set out in the analysis section above, and so the proposals continue to fail to meet the highest standards of architectural design, are overdevelopment of the site and fail to meet the design standards set out in the AAP. This is contrary to Policy BE1 of the UDP, Policy 17 of the AAP, Paragraph 56 of the NPPF and Policies 7.6 and 7.7 of the London Plan.

### 4 - Affordable Housing

The proposed development now meets the Council's requirements for the provision of on-site affordable housing, in accordance with Policy H2 of the Unitary Development Plan (to be updated)

On balance, the application proposal is considered unacceptable and refusal is recommended

**as amended by documents received on 13.11.2015**

**RECOMMENDATION: APPLICATION BE REFUSED**

**The reasons for refusal are:**

- 01 The site is not a suitable location for a tall building. The proposed development would by virtue of its height, scale and massing be out of character with the scale, form and proportion of adjacent development giving rise to an unacceptable degree of harm to the character and appearance of the area including the adjacent Palace Estate, contrary to Policies BE1 and BE17 of the Unitary Development Plan, Policy BTC19 of the Bromley Town Centre Area Action Plan London Plan Policies 7.4 and 7.7.**

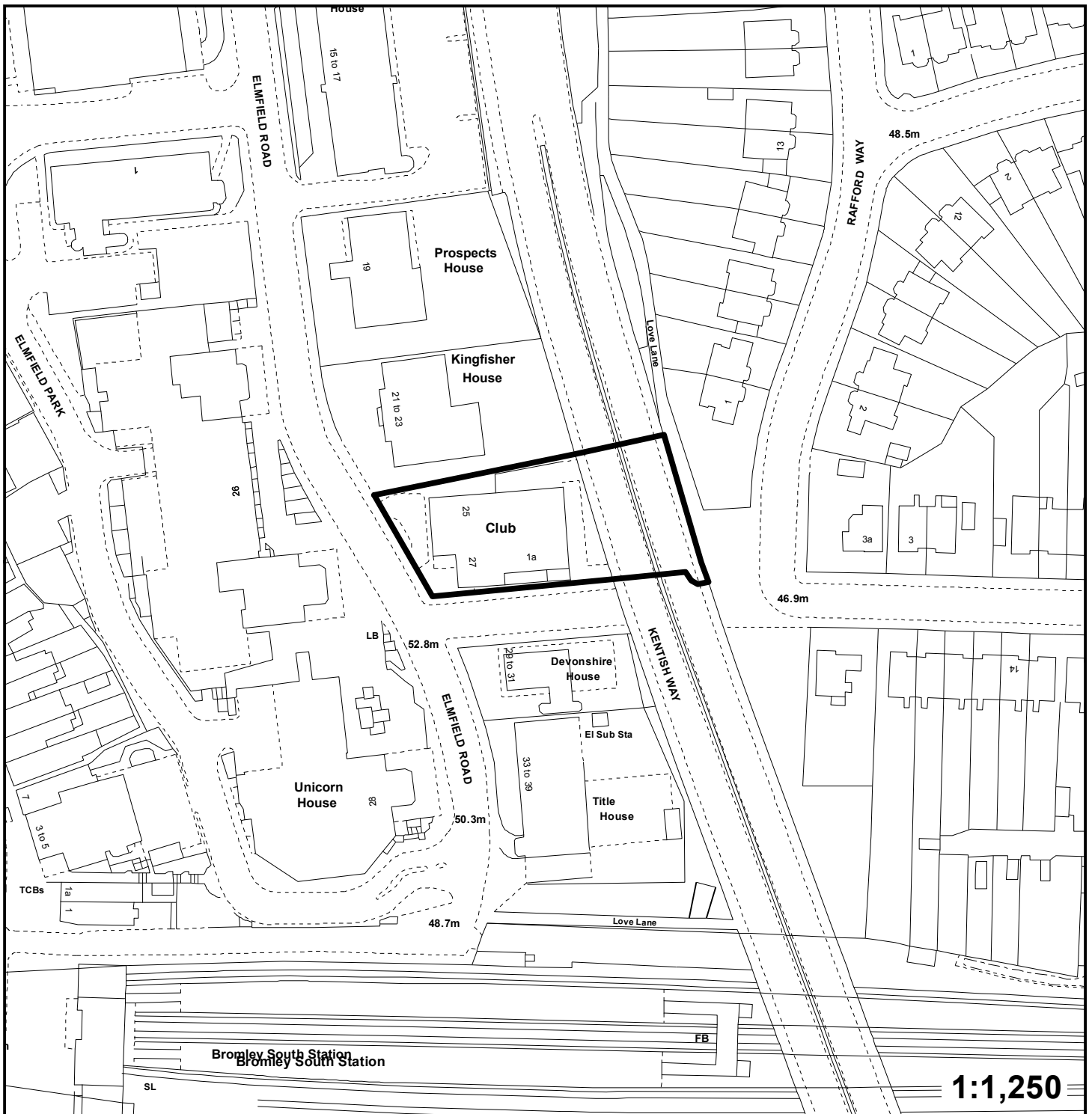
- 02** The proposals would have an unacceptable impact on the residential amenity of neighbouring properties contrary to Paragraph 17 of the NPPF, Policy 7.6 of the London Plan, Policy BE1 of the UDP and Policy BTC17 of the Bromley Town Centre AAP.
- 03** The proposals are not of the highest architectural design quality, are overdevelopment of the site and fail to meet the design standards set out in the Bromley Town Centre AAP. This is contrary to Policy BE1 of the UDP, Policy 17 of the AAP, Paragraph 56 of the NPPF and Policies 7.6 and 7.7 of the London Plan.

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**Application:** DC/15/03136/FULL1

**Address:** Conquest House, 25 Elmfield Road, Bromley, BR1 1LT

**Proposal:** Demolition of existing building and erection of 12/13 storey mixed use building to comprise commercial 881.5 sqm (GIA)/ retail floorspace at ground and part first floor level (Class A1/A2/A3/B1) and 69 residential units at upper floors (27 one bed, 31 two bed and 11 three bed), 46 car parking, 132 cycle parking, refuse stores and landscaping and other associated works.



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

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## Appeal Decision

Inquiry held on 29 April - 2 May, 2 – 3 June, and 5 June, 2014

Site visits were made on 29 and 30 April 2014 (including a night time visit)

**by C A Thompson DipArch DipTP Reg Arch RIBA MRTPI IHBC**

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

**Decision date: 24 July 2014**

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**Appeal Ref: APP/G5180/A/13/2210460**  
**25 Elmfield Road, BROMLEY, BR1 1LT**

- The appeal is under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is by Taylor Wimpey East London and the Leander Group against the decision of the Council of the London Borough of Bromley.
  - The application Ref DC/13/01202/FUL1, dated 15/4/2013, was refused by notice dated 27/9/2013.
  - The development proposed is demolition of the existing building and erection of a 16 storey mixed-use building comprising residential units and commercial floorspace (B1, A1 /A2 /A3 /A4) at ground and first floors together with associated car parking and landscaping.
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. At the Inquiry an application for costs was made by the Appellants against the Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The Council's third reason for refusal, regarding the provision of affordable housing, has been resolved following receipt of an independent review of the viability evidence by Deloitte. The necessary action is achieved by the Appellants' Unilateral Undertaking (UU), dated 1 May 2014, as set out in an annex to the Statement of Common Ground (SoCG) headed Economic Viability Analysis.
4. There was more than one version of the scheme proposal in the appeal documents. For the avoidance of doubt I have determined the version set out in the following drawings: 1224 0115; 1224 0120 Rev R; 1224 0121 Rev S; 1224 0122 Rev Q; 1224 0123 Rev H; 1224 0124 Rev R; 1224 0125 Rev R; 1224 0126 Rev R; 1224 0127 Rev R; 1224 0128 Rev E; 1224 0129 Rev A; 1224 0220 Rev K; 1224 0270; 1224 0271; 1224 0272; 1224 0273, and; 1224 0130.

## **The Site and its Surroundings**

5. The site is presently occupied by an undistinguished, 3 storey building, on the corner of Elmfield Road and Palace View. The existing commercial space is poor quality and currently vacant.
6. The site is on the eastern edge of the town centre close to Bromley South Railway Station. The eastern face of the proposed, 16 storey building would be close to Kentish Way which is a raised dual carriageway separating the town centre from the nearby Palace Estate. Kentish Way defines a marked change in the character of the built form hereabouts. To the west are larger scaled commercial buildings, comprising a cluster of taller buildings, including the 10 storey Bank of America group, and to the east the relatively small scale, mainly 2 storey, houses and gardens of the Palace Estate. The site is located on a ridge of higher land which rises-up from the housing estate.

## **Policy and Advice**

### Local Policy

7. The statutory development plan (DP) includes the 2011 London Plan (LP) as well as the saved policies of Bromley's Unitary Development Plan (UDP). The Bromley Town Centre Action Area Plan (AAP) was adopted in October 2010. There is a general presumption in favour of the policies of the DP.
8. LP Policy 7.7 - Location and Design of Tall and Large Buildings – amongst other matters indicates that, from a strategic viewpoint, such development should *...be part of a plan-led approach to changing or developing an area by the identification of appropriate...locations... Such buildings ...should not have an unacceptably harmful impact on their surroundings... Important considerations for these buildings embrace such matters as only being considered ...in areas whose character would not be adversely affected by the scale, mass or bulk of the tall or large building...relate well to the form, proportion, composition, scale and character of the surrounding buildings...*
9. UDP Policy BE1, Design of New Development, emphasises that a high standard of design and layout will be expected. Identified criteria include the following *...development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas...respect the amenity of occupiers of neighbouring buildings and those future occupants... ..*
10. UDP Policy BE17, High Buildings and the Skyline, expects *...a design of outstanding architectural quality that will enhance the skyline... Paragraph 6.47 of the UDP notes that there ...are limited opportunities in the Borough where high buildings would be appropriate...suitable locations have not been identified...but each proposal will be considered on its merits... (NB In both the LP and the UDP tall, or high, buildings are defined as those that are substantially taller than their surroundings).*
11. AAP Policy BTC19 – Building Height – indicates that *...proposals for taller buildings will be required to follow the guidance set out in the English Heritage /Commission for Architecture and the Built Environment's Guidance on Tall Buildings (2007) (CABE guide)...taking account of key views and vistas and the impact on the character of the town centre...and residential amenity... Diagram*



4.3, Views and Protected Sites, shows some possible locations for such “tall buildings”.

12. AAP Policy BTC5, Office Development states that *...the Council will seek to retain existing office uses and to maximise the opportunities for new employment generating activity through the development of around 7,000 sq m (gross) of additional business floorspace (Class B1) on Opportunity Sites A and C... The Policy goes on to say that ...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 BIA identified on the Key Diagram, to create a high quality business environment...*
13. AAP Policy IA2, Business Improvement Areas, states that *...the Council will seek to support existing businesses and promote new business development ...through BIA designation where...the loss of B1 office floorspace will not be permitted.... And ...the Council will work with businesses to secure improvements to premises and facilities and the appearance of the public realm to create a high quality business environment...*

#### National Policy

14. The National Planning Policy Framework (NPPF), which is a material planning consideration, identifies appropriate Government policy. Chapter 7 of the NPPF, covers and promotes, good design. This is acknowledged, at paragraph 56, to be *...a key aspect of sustainable development and should contribute positively to making places better for people.* Paragraph 58, under local and neighbourhood plans, notes that robust and comprehensive design policies should *...aim to ensure that developments...function well and add to the overall quality of the area...establish a strong sense of place...optimise the potential of the site to accommodate development...respond to local character and history, and reflect the identity of local surroundings...*
15. Paragraph 59 makes it clear that *...design policies should avoid unnecessary prescription or detail and should concentrate on guiding overall scale, density, massing, height, landscape, layout...and...materials...*
16. Paragraph 65 advises LPAs to *...not refuse planning permission for buildings...which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design...* However, it is clearly stated, in the preceding paragraph 64, that *...permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality an area and the way it functions.*
17. The NPPF gives strong support for economic growth but not at the expense of social or environmental considerations. Amongst other matters the planning system should contribute to *...building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation...*

#### Other Advice

18. The CABE guide referred to in the DP *...recommends that local planning authorities (LPAs) should...identify appropriate locations for tall buildings in...development plan documents...drawn up through effective engagement with local communities...such an approach will ensure that tall buildings are properly*

*planned as part of an exercise in place-making informed by a clear long-term vision, rather than an ad hoc, reactive, piecemeal manner...*

## **Main Issues**

19. Following what I heard at the Inquiry I have identified 3 main issues in this case. These are:

- (i) Whether the appeal scheme is a good design;
- (ii) Its impact on residential amenity, and;
- (iii) Whether the proposed development would provide appropriate levels of employment floorspace.

## **My Reasoning**

### Design

20. The appeal site is in a town centre located within an AAP designated Business Improvement Area. It is a highly accessible location close to Bromley South Station.
21. Replacing the present undistinguished, small, building to make better use of this eminently accessible site is acceptable in principle. Indeed, subject to the suitability of any replacement, there is a positive need for such a more intensive mixed scheme, including housing, if the town centre is to be improved as advocated in the LP and the AAP.
22. The proposal started out as a "tall building" as identified by the DP and the CABE advice in that it would be substantially higher than its surroundings. The original scheme was a much taller, 25 storey, structure. It was reduced to 16 storeys during its design evolution.
23. The UDP does not identify any specific "tall building" sites for the town centre. Instead, whilst giving assurance that each case will be considered on its own merits, the UDP makes it clear that there would be limited opportunities for such high buildings in the Borough.
24. However, the later, and more detailed, AAP does show some possible locations for "tall buildings". Although most of these potential sites are in the south of the town centre, on the generally lower land outside the Bromley Town Conservation Area, the appeal site is not one of them. This is not necessarily fatal to the appeal scheme, which can still be considered on its own merits, but it is a distinct disadvantage in that locating any "tall building" here would not comply with any plan-led approach towards such development.
25. Nevertheless, apart from this failure, the evolution of the present proposal followed the procedure recommended in relevant policy documents. In particular there was substantial consultation with both tiers of local planning authorities and the local community was engaged.
26. The Appellants' extensive townscape analysis of the appeal scheme is supported by some excellent pictures called "accurate visual representations" (AVRs). These are the product of a computer driven technique, which superimposes a precise image onto a photograph of a particular scene, for the purpose of creating a realistic representation of the proposed changes to particular views. It is a particularly impressive technique which eliminates the

possibility that the artist might distort the image to show the scheme in its best, or worst, light; either deliberately or accidentally.

27. In a number of the views agreed with the LPA as necessary, where the appeal building could be seen at all, the depicted change had little or no material visual impact (such as views 1, 3, 10+12 in Chapter 7 of core document (CD) 14). Indeed, in some key vistas, like those along Kentish Way, (see views 2+5 in CD 14 and some views depicted in CD 46) the appeal proposal would appear to bring positive improvements. For example, from the south looking up the road towards the Bank of America building, the AVRs show how the proposed new scheme would give more balance to the skyline and, from the north, they indicate how some beneficial visual closure would be provided to the view down the street.
28. Looking at the "wire outlines" (CDs 100+101) and the close-up picture of the corner of the new building at the junction of Elmfield Road and Palace View (second AVR in CD 46) it is clear that the new building would bring some very positive improvements to the street picture. Moreover it would make little difference to the overall effectiveness of the design whether the scheme were as depicted in the application plans or, as suggested in the "peer review", a red brick alternative.
29. The detailed architectural design is excellent. Particularly notable are, the fine proportions of the windows and the precise detailing of the inset balconies; the neat way the various elements of the façade are crafted and fitted together; and the high quality materials used. This all results in a scheme of the very highest quality. CD 46 in the second AVR, showing the lower part of the building from the Elmfield Road and Palace View junction, illustrates these attributes well. Also the proposed balance of mixed uses, although criticised by the LPA as having too small a commercial component, would encourage ground floor activity in the surrounding streets and make a significant contribution to local regeneration.
30. The technical studies for the new building, such as those on Air Quality, Noise and Vibration, Archaeology, and Energy, are entirely satisfactory. With regard to Daylight and Sunlight, I accept that there would be damage to natural daylight levels as perceived in the rooms of some neighbouring commercial property in Elmfield Road, especially within parts of Kingfisher House. But any reasonable redevelopment of the present very small 3 storey building, for some appropriately more intensive scheme, would be likely to have a similarly damaging impact on daylight levels in some of the internal rooms of the nearest commercial properties. Any loss of natural light in these circumstances is not critical.
31. In short this is a quality scheme. It has been designed to the highest architectural standards and would add to the overall townscape attractiveness of much of the town centre. In those regards it is a good design of the type encouraged by the DP and the NPPF.

#### Residential Amenity

32. Despite being acceptable as a piece of civic design the proposed "tall building" would be located very close to parts of the nearby residential Palace Estate. In this context the suggested new 16 storey building would be set against mostly small scale 2 storey residential dwellings.

33. Notwithstanding an undoubted ability to produce excellent and repeatable "before" and "after" pictures, showing the likely impact of proposed developments, the AVR technique (referred to above) is not perfect. Taking some finished AVRs onto site I saw that although the pictorial representations accurately show the detail of the proposed changes they do not do so precisely as the human eye would perceive things. It follows that, although the AVRs were competently produced to what I was told was the "industry standard", they show a somewhat wider-angle view than a person would see should the depicted changes actually take place. No doubt this is a compromise to enable the context of the scheme under examination better to be appreciated. This means that the size, or impact, of the proposed alterations (in this case the insertion of the new building) do not appear anything like as big, or visually assertive, in the AVR as they would when built. It follows that the real impact of the proposed change is quite significantly underplayed, and means that the AVRs, despite being a very helpful guide, must be viewed with caution.
34. The most telling of the views, in regard to the likely impact on the nearest residential neighbours on the Palace Estate, are those found at CD 102+103. They are the only AVRs appropriate to assess these concerns. The homes most at risk are those in the vicinity of the junction of Rafford Way and Palace View as well as along some parts of The Chase. So even these AVRs, which are taken further back than ideal, do not cover all the most vulnerable dwellings.
35. The Bank of America building can be seen in the "before" pictures to have already had some damaging impact on residential amenity. Accepting the change as depicted in the "after" AVR (CD 103), at its face value, the harm to my mind would be increased rather than diminished. The picture shows how the new buildings would appear to "tower" somewhat menacingly over the relatively small scale houses. Adding to this concerns about the AVRs' tendency to understate the size and impact of any proposed changes it is clear to me that the likely overbearing nature of the impact of the appeal scheme would be much worse than depicted. I find that the likely harm, both visually and psychologically, would be unacceptably damaging to the living conditions of the affected residents, destroying the attractive, intimate, small scale and domestic, outlook enjoyed by them.
36. The proposed development would not add to the overall quality of the area but represents over-development clearly resulting in damage to the living conditions of the nearby residential neighbours. The proposal would not comply with the relevant parts of the DP, especially LP Policy 7.7 and UDP Policy BE1, the residential amenity part of AAP policy BTC19 and paragraphs 56+58 of the NPPF. This loss of residential amenity is sufficient reason on its own to refuse planning permission.
37. Turning to other material considerations under this issue, although there would be some additional harm from overlooking any loss of privacy would not be a sufficient reason, on its own, to dismiss the appeal. No windows directly face one another and distances between the appeal scheme's windows, which would have a view over the houses and gardens below, would be significantly greater than the 21m normally considered sufficient to prevent any material problems. The inset design of the eastern facing balconies, framing and defining views out, is a further ameliorating factor. Notwithstanding all this the psychological perception of there being "eyes in the sky" would add to the damage caused to residential amenity. This extra emotional concern would further damage the

quality of life of those affected. This would also seem to me to conflict with LP Policy 7.7 and paragraph 56 of the NPPF and adds weight to the main reason for withholding planning permission.

38. However, it should be noted that even the local residents, who were amongst the appeal scheme's most vocal critics, were not against the principle of redeveloping the appeal site. Rather they were concerned that the present building was too tall in relation to the nearby homes.
39. I acknowledge that some of the other "tall buildings", recently granted planning permission by the LPA on AAP identified potential "tall building" sites in Bromley Town Centre, would have similar, or worse, impacts on the amenity of those affected residential neighbours. However the appeal site is not an AAP identified "tall building" location. I have determined this appeal on its own merits, in the light of relevant policies and my professional judgement.
40. I also accept that, if the town centre is to be improved as envisaged by the AAP, then some change must take place and that such change might harm the amenities of those living near the town centre. This is an appropriate redevelopment site which is available now and is suitable to support growth and innovation. However it is the extent and scale of the change that would be likely to have an unacceptably damaging impact on local residential amenity.
41. None of these other matters are sufficient to alter my conclusion that planning permission should be withheld.

#### Employment Floor Space

42. In the relevant reason for refusal (RR4) it was contended by the LPA that the proposal would make inadequate provision of employment floor space. Policies BTC5 and IA2, of the AAP, were identified. They seek the retention (or prevention of loss) of existing office uses and floorspace within the BIA and the encouragement of a high quality business environment.
43. This scheme, which is inside the BIA but not part of any specified Opportunity Site, would increase both the quantum and quality of existing B1 office floorspace. Indeed, the proposed development would provide some additional non-B1 commercial space and help to create a high quality business environment, as well. The extra areas of floorspace would not be large but there is no requirement for any additional provision outside the identified Opportunity Sites. Therefore this point has no impact on the appeal scheme's DP Policy compliance in regard to RR4.
44. All the scheme's attributes support economic growth and it follows that the appeal proposal must be in general conformity with the relevant thrust of the DP and the NPPF under this issue. The identified policies do not, as the Council's case sought to prove, seek to maximise the opportunity for new employment generating activity in the BIA outside the Opportunity Sites.
45. It follows that RR4 no longer has any relevance and must fall away. But the removal of this impediment to development does not overcome the identified residential amenity reasons for withholding planning permission.

### Overall Conclusion

46. The scheme has many advantages. It would produce an intrinsically well designed building, improve some key town centre vistas, provide inward investment, protect existing levels of employment floorspace and provide much needed housing. But this is not a situation where concerns about incompatibility with existing townscape have been mitigated by good design. It is one where the proposal's excessive height would result in an unduly overbearing new building that would damage, unacceptably, the living conditions of nearby residents. It is on this limited, but important, ground that the appeal is dismissed.

**Colin A Thompson**

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Mr W Upton, of Counsel	Instructed by the London Borough of Bromley
He called	
Mr K Munnely BA(Hons)	Planning witness – renewal
DipTP MRTPI	
Ms K Hughes BA(Hons)	Architect and design witness
DipArch RIBA FRSA	
MAPM	
Mr M Ibbott MA Mphil	Planning witness - policy
MBA MRTPI AIEMA	

### FOR THE APPELLANTS:

Mr J Strachan, QC	Instructed by Montagu Evans
He called	
Mr A Mortimer	Architect and design witness
Degree+DipArch RIBA	
Dr C Miele MRTPI IHBC	Planning witness – townscape
Mr W Edmonds	Planning witness - policy
BA(Hons) MRTPI	

### INTERESTED PERSONS:

Mr K Gallagher	Surveyor representing objectors at Kingfisher House
Cllr N Dykes	Ward Councillor
Mr J Harvey	Residents' Association chairman
Mr S Holloway	Local resident
Mr White	Local resident
Mr Harris	Local resident
Mr C P Davis	Local resident
Mr Strickland	Local resident

## DOCUMENTS

Doc 1	LPA comments on the draft UU dated 28 April 2014
Doc 2A	Letter of notification of the inquiry and the list of persons notified
Doc 2B	Public notice
Doc 3	Ringer's Road scheme
Doc 4	HG Wells Centre design and access statement
Doc 5	Bundle of, post Inquiry opening, correspondence
Doc 6	Signed UU on behalf of the Appellants
Doc 7	List of suggested conditions
Doc 8	Addendum to Mr Davis' statement
Doc 9	CD additions, CD 48A and CD 99 – CD 108
	48A Drawing 1224_0092 Amenity Analysis
	99 Nick Bowles MP written statement on new homes
	100 Proposed views along Elmfield Road
	101 Ditto

	102	Existing view of site from Palace View
	103	Proposed as above
	104	Drawing 1224_0096 Distances Analysis
	105A	Saxon Court & Roseberry Mansions
	105B	Ditto
	106	CABE Review
	107	Ringers' Road
	108	Clarendon Business Centre (Kingfisher House, floor plans)
Doc 10		Signed SoCG including Addendum – economic viability analysis
Doc 11		Bromley Civic Society representations – 1 Westmoreland Road, and the Cathedral, schemes
Doc 12		Tesco Stores v Dundee City Council
Doc 13		HM Government's Statement on Help to Buy
Doc 14		Statement from Mr K Gallagher BA(Hons) MRUP MRTPI on behalf of the owners of Kingfisher House
Doc 15		Statement of Mr C Davis
Doc 16		Statement of Mr S Holloway
Doc 17		Photomontages from Mr Harris
Doc 18		Closing submissions of the LPA
Doc 19		Closing submissions of the Appellants



Report No.  
DRR/113

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** DEVELOPMENT CONTROL COMMITTEE

**Date:** Thursday 10 December 2015

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

**Title:** LOCAL PLAN DRAFT ALLOCATIONS, FURTHER POLICIES  
AND DESIGNATIONS CONSULTATION  
SEPTEMBER/OCTOBER 2015 INITIAL REPORT

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

**Chief Officer:** Chief Planner

**Ward:** (All Wards);

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1. Reason for report

This reports sets out a summary of the consultation undertaken in September/October 2015 in respect of the Local Plan 'Draft Allocations, Further Policies and Designations' document. It also outlines the scale of response.. The scale of response has been substantial, with over 1100 individual responses, many covering a number of sites/policies and designations. Analysis of the responses is underway, and a further report to DCC and the Executive will follow.

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2. **RECOMMENDATION(S)**

**That Development Control Committee:**

**a) notes the consultation process undertaken with regard to the Local Plan 'Draft Allocations, Further Policies and Designations' document, and**

**b) notes the scale of the response as set out in paragraph 3.4 and that a further report will be brought to DCC and the Executive analysing the responses and their implications for the Local Plan.**

### Corporate Policy

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

### Financial

1. Cost of proposal Not Applicable:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Planning and Renewal
  4. Total current budget for this head: 2.174m
  5. Source of funding Existing Controllable revenue budget 2015/16
- 

### Staff

1. Number of staff (current and additional):69Ftes
  2. If from existing staff resources, number of staff hours:
- 

### Legal

1. Legal Requirement: The Local Plan is a statutory document.
  2. Call-in: Not Applicable:
- 

### Customer Impact

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

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Ward Councillors are involved throughout the Local Plan process.
2. Summary of Ward Councillors comments: N/A

### 3. COMMENTARY

3.1 In July 2015, the Council's Development Control Committee and the Executive agreed consultation on the proposed Local Plan 'Draft Sites, Further Policies and Designations' document subject to minor alterations in consultation with the Director of Regeneration and Transformation and the Executive's Chairman. Consultation took place between September 17<sup>th</sup> and October 31<sup>st</sup> 2015. The July reports set out the proposed consultation process in line with the previous stages of the Local Plan preparation and the 2006 Statement of Community Involvement.

3.2 This included *'as previously [the consultation] will be web based to minimise the costs to the Council and facilitate the analysis of responses. However, to maximise the awareness of the opportunity to respond it will include:*

- *Emails/ letters to around 1500 contacts on the planning database advising of the consultation details. This includes statutory consultees, adjoining boroughs and other partner agencies, residents associations and individuals, businesses and developers who have registered their interest in being consulted.*
- *A dedicated webpage and link from the Council's home page.*
- *Press releases and articles in the local papers and community newsletters.*
- *Poster and flyers placed in Council offices (including the Civic Centre, Mottingham and Cotmandene Outreach Centres and libraries).*
- *Article and link to the webpage in Community Links Bromley e-bulletin to over 500 voluntary and community organisations.*
- *Article and link to the webpage in the Council's business bulletin sent to over 2500 businesses.*
- *A display promoting the consultation within the Civic Centre*
- *Inclusion in 'Update' circulated to all residents associations.*
- *copies of the consultation document will be made available for inspection at the Civic Centre, Mottingham and Cotmandene Outreach Centres and Bromley Community Links.*

3.3 In addition to the consultation outlined above, given the nature of the document with proposed draft site allocations, for housing and mixed uses, education and gypsy and traveller sites further consultation activity was undertaken including:

- individual letters addressed to the occupier of the properties (identified from Ordnance Survey maps) within approximately 100 metres of the each site were sent advising of the consultation and where to view the details. In total over 3,000 letters were distributed on this basis,
- Individual letters sent to Head Teachers of schools with a proposed allocation, designation, or re-designation of the site,
- posters displayed at the Civic Centre and adjoining car parks and several other council poster sites,
- presentations to the Bromley Federation of Resident's Association (17<sup>th</sup> September) and Bromley Youth Council (15<sup>th</sup> October),
- displays at the Bromley 'Bank on Bromley Business Expo' 16<sup>th</sup> September and the Civic Centre reception,
- adjoining Local Planning Authorities invited to Duty to Co-operate meetings with officers, individual meetings with Greenwich, Croydon, Bexley, Lambeth, Tonbridge, Sevenoaks and Dartford,
- between 17 September and 31<sup>st</sup> October there were 3,997 visits to the Local Plan page of the Council's website which compares with 5,656 visits for the previous 12 months. The page had 446 referrals from Facebook, and the tweet sent by the Council's communication team was re-tweeted six times; and
- articles appeared in the New Shopper, Bromley Times & the Bromley Borough News.

## Overview of the response

- 3.4 The September/October 2015 consultation has generated responses from over 1100 individuals and organisations, many making several comments on the draft document and some commenting on several dozen points. A significant number of respondents have made very detailed comments and also sent in supporting documents. It also appears that a number of comments are not in direct response to reading the consultation document but to either emails or social media response to the consultation and to not refer to specific points in the consultation document but are more generalised.
- 3.5 By comparison, previous consultation stages in the preparation of the Local Plan have received in the region of 100 responses including statutory bodies and stakeholders. The most responses the Bromley Town Centre Area Action Plan received to any single consultation was 115.
- 3.6 The responses will be published in the New Year on the planning pages of the Bromley website including the names of the organisation /individual but with private individuals' addresses redacted. The preparation of responses is currently taking place. A hard copy of the responses will be available for inspection at the Civic Centre and a set of responses placed in the Members' Room.
- 3.7 The intention is to group the responses for ease of reference for residents, stakeholder and Members by site, or groups of sites dependent on the number of responses, and in sections for instance, 'Getting Around', and 'Valued Environments' Full analysis of the responses and assessment taking into account other factors such as the evidence base, the 2015 London Plan and changes in Government legislation and policy will be undertaken. Officers will then report with to DCC and the Executive with regard to taking forward the different elements of the plan, including site allocations, policies and designations to the Draft Local Plan.

## 4. POLICY IMPLICATIONS

- 4.1 Bromley 2020 as the Sustainable Community Strategy for the Borough was the starting point for developing the Core Strategy Issues Document in 2011 and for the Vision and Objectives in the Options and Preferred Strategy stage of the Local Plan preparation. The Local Plan will extend this vision until 2031 and contributes to all the priorities within Building a Better Bromley. The Local Plan together with the London Plan will form the development plan for the Borough. The Local Plan, once adopted will replace the saved policies of the UDP.
- 4.2 The Local Plan has to be in general conformity with the London plan (March 2015) and with the National Planning Policy Framework published in March 2012. Importantly the Local Plan sets out the vision and objectives, and the policies against which planning applications will be determined (together with the London Plan) and the priorities against which the plan will be monitored and reviewed.

## 5. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report.

<b>Non-Applicable Sections:</b>	Personnel, Legal
Background Documents: (Access via Contact Officer)	2015 Draft Allocations, Further Policies and Designations Document September 2015 Report DRR15/ 070 Bromley's Local Plan –'Potential Site Allocations Draft Policy and Designations Alternations' for consultation

# Agenda Item 7

Report No.  
DRR15/112

London Borough of Bromley

PART ONE - PUBLIC

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

**Date:** **Thursday 10 December 2015  
Wednesday 13 January 2016**

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

**Title:** **LOCAL GREEN SPACE**

**Contact Officer:** Armelle Racinoux, Planner    Telephone : 0208 461 7582

**Chief Officer:** Chief Planner

**Ward:** (All Wards)

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1. Reason for report

This report seeks member's agreement to the process to invite sites to be nominated by local communities to be assessed as Local Green Space by the Council. This includes a six weeks consultation on the draft criteria for the assessment of potential LGS sites and a revised Draft Local Green Space Policy. The suggested approach is being triggered by the 15<sup>th</sup> of July Executive's decision that a petition to designate Bull Lane's allotments as Local Green Space should be taken into consideration as a formal submission as part of the Local Plan process.

## RECOMMENDATIONS

**That the Development Control Committee recommends to the Executive that they:**

- 1. Endorse the proposed local criteria for assessing potential sites for the Local Green Space designation as set out in paragraph 2.2 and the revised Draft Local Green Space Policy for consultation as set out in Appendix 3.**
- 2. Endorse the process for inviting local communities to submit sites for consideration as Local Green Space as set out in Section 4 and comment on the revised Draft Local Green Space Policy.**

**That the Executive:**

- 1. Consider the comments made by the Development Control Committee with regard to the Council's proposed approach to Local Green Space.**
- 2. Agree the Draft Local Green Space policy set out in Appendix 3 and the proposed criteria for the assessment of sites set out in paragraph 2.2 of this report, and**

**3. Agree the proposed consultation process providing local communities with the opportunity to comment on the draft Local Green Space policy and the proposed site assessment criteria; and to submit sites for consideration by the Council as Local Green Space, as set out in Section 4 of this report.**

## Corporate Policy

1. Policy Status: New Policy: The Draft Local Green Space policy, once adopted, will be included in the Council's Local Plan
  2. BBB Priority: Quality Environment
- 

## Financial

1. Cost of proposal: N/A
  2. Ongoing costs: N/A
  3. Budget head/performance centre: Planning and Renewal
  4. Total current budget for this head: £2.174m
  5. Source of funding: Existing controllable revenue budget 2015/16
- 

## Staff

1. Number of staff (current and additional): 69 Ftes
  2. If from existing staff resources, number of staff hours:
- 

## Legal

1. Legal Requirement: None: Local Communities are encouraged to approach the Council to submit Local Green Space to the Council as part of the National Planning Policy Framework.
  2. Call-in: Applicable:
- 

## Customer Impact

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

## Ward Councillor Views

1. Have Ward Councillors been asked for comments? Ward Councillors will be consulted as part of the process of identifying and assessing sites as potential Local Green Spaces
2. Summary of Ward Councillors comments: N/A

### 3. COMMENTARY

#### 1. Introduction

1.1 The Local Green Space designation was introduced by the National Planning Policy Framework (NPPF, 2012). It provides local communities with the opportunity to identify green areas of particular importance to them to be considered for the designation which provides a level of protection equivalent to that afforded to the Green Belt. Local Green Space can only be designated through the plan making process through either Local Plans or Neighbourhood Plans. The NPPF defines basic criteria and conditions in para. 77 and 76 which sites should meet in order to be designated (**see Appendix 2**) yet Planning Practice Policy Guidance (PPPG) recognises that “*designation is a matter for local discretion*”. The PPPG on Local Green Space as set out in **Appendix 2** provides further guidance relating to the criteria’s interpretation and to the implementation of the designation.

1.2. At the Full Council meeting on 29th June 2015, Members received a petition from the Bull Lane Action Group calling on the Council to designate Bull Lane Allotments in Chislehurst as Local Green Space. The Petition was referred to the 13<sup>th</sup> of July 2015 Development Control Committee and the 15<sup>th</sup> of July Executive to consider. The Executive resolved that “*the merits of designating the Bull Lane Allotments as Local Green Space be formally considered through the Local Plan process and the Petition is included as a submission seeking this change*” and that “*further work was needed to define and agree an approach to taking the Local Green Space designation forward through the Plan making process*”.

1.3. It is important for Bromley to define its own local criteria and methodology for assessment taking into consideration both national policy and associated guidance to ensure that Local Green Space remains a high test designation which is “*not appropriate to most green areas or open space as required by the NPPF (Paragraph 77)*”. The proposed criteria are set out in **section 2** of this report and will be used to assess whether Bull Lane allotments meets the requirements to be taken forward as Local Green Space within the Draft Local Plan, as well as any other sites being proposed. The proposed criteria have been considered and endorsed by the Local Development Framework Advisory Panel (LDFAP).

1.4. It is anticipated that most eligible green and open spaces in the borough will already benefit from protective planning designations relating to the desirability of protecting their openness, amenity and biodiversity value; including for example designations such as Urban Open Space, Sites of Importance for Nature Conservation, Local Nature Reserves but also Greenbelt and Metropolitan Open Space. The Local Green Space designation will only be appropriate where it adds value to existing designations. The Draft Policies and Designations Document (2014), includes Draft Policy 8.21 on Local Green Space which drew a limited amount of representations at that stage. The work undertaken by planning officers since then has evidenced that the policy should be amended to more effectively reflect the aims of the designation to protect the “unique special qualities” of land designated as Local Green Space and a draft policy justified in **Section 3** and included in **Appendix 3**.

1.5. The request to designate Bull Lane Allotments as Local Green Space is the only such request received by the Council to date. It is however important that local communities are provided with a timely opportunity to comment on the revised draft Local Green Space policy and on the proposed assessment criteria and to submit sites to the Council to be assessed and considered for the Local Green Space designation as part of the Draft Local Plan. The proposed six weeks consultation process is set out in **Section 4**. The Council’s website will feature a Comments Form (included in **Appendix 4**) enabling consultees to comment both on the draft Local Green Space policy and on the proposed assessment criteria, as well as a Site Application form (included in **Appendix 5**).



## 2. Draft Criteria, application form and guidelines for the assessment of potential Local Green Space sites

2.1 It is proposed that submissions to the Council for sites to be designated as Local Green Space are assessed against of the criteria set out below, which they will be required to all meet.

### 2.2 Local Green Space Criteria

**Criteria 1.** The site is submitted by the local community.

**Criteria 2.** There is no current planning permission which once implemented would undermine the merit of a proposed Local Green Space designation.

**Criteria 3.** The proposed Local Green Space site is not land allocated for development as part of Bromley's Development Plan or required to meet the borough's development needs.

**Criteria 4.** The site proposed for designation is local in character, and is not an extensive tract of land.

**Criteria 5.** Where the proposed site is publicly accessible, it is within walking distance of the community, or where the proposed site is not publicly accessible, it is within reasonable distance of the local community.

**Criteria 6.** The space being proposed for designation is demonstrably special to a local community and holds a particular local significance because of unique and special qualities relating to for example:

- Its beauty:
- Its historic significance:
- Its recreational value:
- Its tranquillity:
- Its richness of wildlife:

**Criteria 7.** The Local Green Space designation would provide protection *additional to* any existing protective policies and its special characteristics could not be protected through any other reasonable and more appropriate means.

**Criteria 8.** The site's special characteristics and any uses or activities which form part of the case for its designation can be maintained and managed during the local plan period.

## 3. Proposed revision to the Draft Local Green Space Policy

3.1 The local criteria seeks to ensure that land designated as Local Green Space holds particular significance for a local community because of its demonstrably special qualities. Whilst the criteria was being developed, it became clear that the draft policy which was included in the 2014 Draft Policies and Designations consultation document should be amended to ensure that it is able to effectively protect these "special qualities" which justify designation. These "unique special qualities" would be set out in a written statement, a "Statement of Significance" included as an appendix to the

Local Plan and the proposed policy associated with the designation would ensure that permission for development harming the special qualities of land designated as Local Green Space would only be granted in very special circumstances. Both the former and proposed amended Local Green Space policy are set out in **Appendix 3**.

3.2 The Local Green Space designation where justified would provide a layer of protection to the “special qualities” of the site additional to any other existing planning or open space designation, such as typically Urban Open Space but also potentially Metropolitan Open Land or Green Belt. It may be found in some instances that a site’s existing planning designations are sufficient to protect its “unique and special qualities”. This may be the case for example where a site designated as a SINC, a SSSI or a Local Nature Reserve is put forward for designation as Local Green Space to protect its biodiversity value. Conversely, the merit of the “special qualities” of a site put forward for the Local Green Space designation may warrant the site being formally considered for another planning designation.

3.3 As the Local Plan is read and applied as a whole, where there are several designations relating to a site all the relevant policies will be applied. Local Green Space designation once adopted will also set the context for any future applications for Local Green Space to be considered as part of a Neighbourhood Plan.

#### **4. Next Steps**

4.1 Local communities will be provided with the opportunity to suggest sites for assessment for the Local Green Space designation and comment on the proposed criteria and policy as part of a targeted consultation which will be advertised both on the Council’s website and on its consultation portal. Both websites will feature introductory text to the Local Green Space designation, the Draft Local Criteria and Local Green Space Policy, a Consultation Form providing consultees with the opportunity to comment on the Draft Local Green Space policy as well as on the proposed Local Criteria for the designation of local green space (attached in **Appendix 4**), and an Application Form to the Local Green Space designation (attached in **Appendix 5**). The application form will in time be supplemented with guidelines setting out how to fill the form and submit the information needed by officers to assess whether the site meets the criteria: this is to ensure that the designation remains high test, that the criteria is consistently applied between sites and that neighbourhood plans including sites for designation as Local Green Space remain in conformity with Bromley’s Local Plan.

4.2 The consultation will run for a period of six weeks during which ward members, local business and residents associations, local open and green space user and amenity groups and other relevant stakeholders will be notified by email and by post of the opportunity to submit sites. The Consultation Form and the Application Form and its associated guidelines will be sent to these consultees as well as to parties having registered an interest in proposing land for designation as Local Green Space. A press release may also be issued.

4.3 The local criteria for the designation of Local Green Space will be included in the Draft Local Plan for clarity, together with guidelines for the assessment of sites against the criteria, to ensure that any applications submitted as part of Neighbourhood Plans follow a similarly robust assessment process.

4.4 Sites submitted to be considered for the Local Green Space designation, which as agreed include Bull Lane allotments, will be assessed by the Planning Strategy team against the criteria and conclusions from this exercise will be reported to the Development Control Committee and to the Executive to agree those sites to be included in the Draft Local Plan as proposed Local Green Space.

#### **4.5 In summary, the next steps will be:**

- Local Green Space – designation criteria and draft policy to be agreed by the Council.
- Local Green Space – six weeks public consultation inviting sites to be submitted (in addition to Bull Lane Allotments), and seeking comments on the proposed designation criteria and draft policy.
- Revised draft Local Green Space policy to be prepared, taking into account the Local Green Space public consultation result and showing the Local Green Spaces proposed for designation by the Council in the Draft Local Plan.

#### 4. POLICY IMPLICATIONS

The Local Green Space policy, once adopted, will be included in the Borough's Local Plan.

#### 5. FINANCIAL IMPLICATIONS

It is anticipated that there would be no additional costs arising directly from the recommendations of this report.

#### 6. LEGAL IMPLICATIONS

The Local Green Space policy, once adopted, will be included in the Borough's Local Plan; the Council's statutory planning Framework. .

#### 7. PERSONNEL IMPLICATIONS

The consultation and the assessment associated with the Local Green Space Designation will be undertaken by the Planning Policy team.

<b>Non-Applicable Sections:</b>	N/A
Background Documents: (Access via Contact Officer)	National Planning Policy Framework 2012 Planning Policy and Practice Guidance 2014 Full Council Committee June 29 2015 – Bull Lane Allotments Petitions Item 2014 Draft Policies and Designations Document responses to Consultation 13 <sup>th</sup> of July 2015 Development Control Committee – Petition- Bull Lane Allotments 15 <sup>th</sup> of July Executive – Petition- Bull Lane Allotments-

## Appendix 1

### Extract from the National Planning Policy Framework - Local Green Space

76. Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.

Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.

77. The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- Where the green space is in reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- Where the green area concerned is local in character and is not an extensive tract of land.

78. Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.

## Appendix 2

### Extract from [Planning Policy and Practice Guidance – Local Green Space](#)

#### **What is the Local Green Space designation?**

Paragraph: 006 Local Green Space designation is a way to provide special protection against development for green areas of particular importance to local communities.

#### **How is land designated as Local Green Space?**

Paragraph: 007 Local Green Space designation is for use in Local Plans or Neighbourhood Plans. These plans can identify on a map ('designate') green areas for special protection. Anyone who wants an area to be designated as Local Green Space should contact the local planning authority about the contents of its local plan or get involved in neighbourhood planning.

#### **How does Local Green Space designation relate to development?**

Paragraph: 008 Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.

#### **What if land has planning permission for development?**

Paragraph: 009 Local Green Space designations will rarely be appropriate where the land has planning permission for development. Exceptions could be where the development would be compatible with the reasons for designation or where planning permission is no longer capable of being implemented.

#### **Can all communities benefit from Local Green Space?**

Paragraph: 010 Local Green Spaces may be designated where those spaces are demonstrably special to the local community, whether in a village or in a neighbourhood in a town or city.

#### **What if land is already protected by Green Belt or as Metropolitan Open Land (in London)?**

Paragraph: 011 If land is already protected by Green Belt policy, or in London, policy on Metropolitan Open Land, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.

One potential benefit in areas where protection from development is the norm (e.g. villages included in the green belt) but where there could be exceptions is that the Local Green Space designation could help to identify areas that are of particular importance to the local community.

#### **What if land is already protected by designations such as National Park, Area of Outstanding Natural Beauty, Site of Special Scientific Interest, Scheduled Monument or conservation area?**

Paragraph: 012 Different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.

## **What about new communities?**

Paragraph: 013 New residential areas may include green areas that were planned as part of the development. Such green areas could be designated as Local Green Space if they are demonstrably special and hold particular local significance.

## **What types of green area can be identified as Local Green Space?**

Paragraph: 014 The green area will need to meet the criteria set out in paragraph 77 of the National Planning Policy Framework. Whether to designate land is a matter for local discretion. For example, green areas could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis.

## **How close does a Local Green Space need to be to the community it serves?**

Paragraph: 015 The proximity of a Local Green Space to the community it serves will depend on local circumstances, including why the green area is seen as special, but it must be reasonably close. For example, if public access is a key factor, then the site would normally be within easy walking distance of the community served.

## **How big can a Local Green Space be?**

Paragraph: 016 There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. However, paragraph 77 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name.

## **Is there a minimum area?**

Paragraph: 017 Provided land can meet the criteria at paragraph 77 of the National Planning Policy Framework there is no lower size limit for a Local Green Space.

## **What about public access?**

Paragraph: 018 Some areas that may be considered for designation as Local Green Space may already have largely unrestricted public access, though even in places like parks there may be some restrictions. However, other land could be considered for designation even if there is no public access (e.g. green areas which are valued because of their wildlife, historic significance and/or beauty).

Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners, whose legal rights must be respected.

## **What about public rights of way?**

Paragraph: 019 Areas that may be considered for designation as Local Green Space may be crossed by public rights of way. There is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation.

### **Does land need to be in public ownership?**

Paragraph: 020 A Local Green Space does not need to be in public ownership. However, the local planning authority (in the case of local plan making) or the qualifying body (in the case of neighbourhood plan making) should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.

### **Would designation place any restrictions or obligations on landowners?**

Paragraph: 021 Designating a green area as Local Green Space would give it protection consistent with that in respect of Green Belt, but otherwise there are no new restrictions or obligations on landowners.

### **Who will manage Local Green Space?**

Paragraph: 022 Management of land designated as Local Green Space will remain the responsibility of its owner. If the features that make a green area special and locally significant are to be conserved, how it will be managed in the future is likely to be an important consideration. Local communities can consider how, with the landowner's agreement, they might be able to get involved, perhaps in partnership with interested organisations that can provide advice or resources.

### **Can a Local Green Space be registered as an Asset of Community Value?**

Paragraph: 023 Land designated as Local Green Space may potentially also be nominated for listing by the local authority as an Asset of Community Value. Listing gives community interest groups an opportunity to bid if the owner wants to dispose of the land.



## Appendix 3

### Local Green Space Policy - 2014 Draft Policies and Designations Document

#### 8.21 Local Green Space

Within the Local Green Space permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm, including its 'special characteristics'

The construction of new buildings or extensions to buildings on land falling within these areas will be inappropriate, unless it is for the following purposes:

- i. appropriate facilities for outdoor sport and outdoor recreation and cemeteries which preserve the openness of the Local Green Space;
- ii. extension or alteration of a building that it does not result in disproportionate additions over and above the size of the original building;
- iii. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces

#### **Supporting Text**

*The National Planning Policy Framework (NPPF) introduced the Local Green Spaces designation which enables local communities to protect local green areas. The NPPF advises that Local Green Space will not be appropriate for most green areas or open space and should be consistent with the planning of sustainable development and complement investment in sufficient homes, jobs and other essential services*

*Such designations should only be used for open spaces in reasonably close proximity to the community they serve and where they are demonstrably special to the local community and hold a particular local significance. Such designations, which will rule out development other than in very special circumstances, consistent with the policy for Green Belts, should only occur through the Local Plan process and should be capable of enduring beyond the end of the plan period.*

## Proposed Draft Local Green Space Policy

Local Green space is green or open space which has been demonstrated to have unique special qualities and hold particular significance to the local community which it serves.

Development which causes harm to the “unique special qualities” of Local Green Space as defined within its Statement of Significance but is otherwise policy compliant will be considered inappropriate and planning permission will only be granted in very special circumstances.

### Supporting Text

The following sites are designated as Local Green Space in the Local Plan:

- 1 .....
- 2 .....
- 3 .....

*Local Green Spaces are green and or open spaces which have been demonstrated to have particular value and significance to the local community which they serve for reasons set out in their Statement of Significance: These will be material to the consideration of any application for development. “In a designated Local Green Space, proposals which comply with other relevant policies and designations will only be appropriate where they do not harm the special qualities of the site as defined within its Statement of Significance. Development which is likely to cause harm will only be acceptable in very special circumstances where benefits can be demonstrated to significantly outweigh the harm.*

*Appendix X sets out the criteria and the methodology which was used to assess and designate Local Green Spaces alongside a Statement of Significance setting out the ‘special characteristics ‘and a location map for each site designated. Where a Neighbourhood Plan proposes to include Local Green Space it will be expected to use the same criteria and methodology for designation. This is to ensure that the criteria is consistently be applied between sites put forward for the Local Green Space designation, unless there are justified reasons for an alternative approach, and to ensure that Neighbourhood Plans remain in general conformity with Bromley’s Local Plan.*

## Appendix 4

### Local Green Space – Consultation Form -

**Do you have any comments about Bromley's Draft Local Green Space Policy?**

**Do you have any comments about Bromley's proposed criteria for the assessment of Local Green Space?**

## Appendix 5

### Local Green Space Site Application Form

You are required to fill the following Local green Space site submission form.

- **Fields marked with \***. **Further guidance** regarding the information to provide within these fields is provided in the guidance note at the following [\[link\]](#).

Site Details		
<b>1*</b>	<b>Site Name</b>  <b>Site Address</b>	..... ..... ..... ..... ..... .....
<b>2</b>	<b>Site Ward</b>	.....
<b>3*</b>	<b>Site Size (ha)</b>	.....
<b>4*</b>	<b>Site Owner details (if known)</b>	<p><i>Are you the owner of the site?</i></p> <p style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><i>If no, please provide the site owner's details....</i></p> <p>Name: .....</p> <p>Address:.....</p> <p>Postcode:.....</p> <p><i>and answer the following questions:</i></p> <p><i>Is the site owner aware of the proposal to designate the land?</i></p> <p style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></p>

*Is the site owner supportive of the proposal to designate the land?* Yes   
 No

*Please provide details of any discussions held with the landowner.*

.....  
 .....  
 .....

**5\***

**Accessibility**

*Is the site accessible by the public?* Yes   
 No

*Please provide details of existing accessibility arrangements :*

.....  
 .....

**Applicant Details**

**6\***

**Applicant Name**

**Organisation Name**  
*(if different)*

**Telephone Number**

**Email Address**

**Address (inc. Postcode)**

.....  
 .....  
 .....  
 .....  
 .....

**7\***

**Community Support**

*Which community(ies) is/are served by the special qualities of the site?*.....

*Please explain the nature of the evidence showing that the local community served by the site supports its designation as Local Green Space (please send the full body of your evidence by email to [ldf@bromley.gov.uk](mailto:ldf@bromley.gov.uk))*

.....  
 .....

		..... ..... .....
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<b>Site Planning Details</b>		
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<b>8*</b>	<b>Current Planning Applications /permissions</b>	REF:
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<b>9*</b>	<b>Planning Designations</b>	
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<b>Statement of Significance</b>		
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<b>10*</b>	Please explain how you consider the site to have “demonstrably special value” and to hold “particular local significance” for your local community because of “ <i>unique special qualities</i> ” (please continue on a separate sheet of paper if necessary)	
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<b>11*</b>	Please explain how you consider the site to be “ <u>Local in Character</u> ”	
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**Management of the site**

**12\*** Please explain how the site's "demonstrably unique special qualities" as described in your Statement of Significance will be able to be maintained and managed during the local plan period.

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Report No.  
DRR15/109

London Borough of Bromley

PART ONE - PUBLIC

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

**Date:** **10<sup>th</sup> December 2015  
13<sup>th</sup> January 2015**

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

**Title:** **REVISIONS TO THE STATEMENT OF COMMUNITY INVOLVEMENT (SCI)**

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

**Chief Officer:** Chief Planner

**Ward:** (All Wards);

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1. Reason for report

This report seeks Members agreement to publish the revised draft Statement of Community Involvement (SCI) for public consultation for a period of six weeks. The current SCI was adopted in 2006. Since its adoption, there have been a number of changes to the planning system including the removal of need for an SCI to be subject to examination, the publication of the National Planning Policy Framework (NPPF) and the Town and Country Planning (Local Planning) (England) Regulations 2012. The SCI has been amended to reflect these changes along with technological advances in the way we consult and the pressure on resources.

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2. **RECOMMENDATION(S)**

That Development Control Committee

- 2.1 Endorse Appendix 1 as the draft Statement of Community Involvement (SCI) for the Executive to agree for public consultation.

That the Executive

- 2.2 Consider the comments from the Development Control Committee with regard to the draft Statement of Community Involvement (SCI).

- 2.3 Agree Appendix 1 as the draft SCI document for consultation.

### Corporate Policy

1. Policy Status: Not Applicable
  2. BBB Priority: Quality Environment Vibrant, Thriving Town Centres:
- 

### Financial

1. Cost of proposal: Estimated Cost No additional costs
  2. Ongoing costs: Non-Recurring CostN/A
  3. Budget head/performance centre: Local Plan Implementation budget
  4. Total current budget for this head: £31k
  5. Source of funding: Existing revenue budget for 2015/16
- 

### Staff

1. Number of staff (current and additional): 3
  2. If from existing staff resources, number of staff hours: Dependant on number of responses
- 

### Legal

1. Legal Requirement: Statutory Requirement
  2. Call-in: Applicable:
- 

### Customer Impact

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

### Ward Councillor Views

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

### 3. COMMENTARY

- 3.1 The Council adopted the current Statement of Community Involvement (SCI) in 2006, when it was one of the statutory documents required to be produced as part of the plan-making process. Despite changes to the need for independent inspection, the SCI remains a legal requirement and sets out the Council's approach to the consultation undertaken as part of the planning application process as well as the Local Plan process.
- 3.2 Since 2006, a number of legislative and regulatory changes have taken place such as the Localism Act 2011, the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Town and Country Planning (England) Regulations 2012, the National Planning Policy Framework (NPPF) 2012 and the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.
- 3.3 In addition to the legislative and regulatory changes, the consultation techniques need to be updated in the light of technological advances and other changes over the years – for example, we can no longer provide copies of documents on audio cassette. On the other hand, more residents are using the internet and social media.
- 3.4 Finally, the draft recognises the financial constraints under which the council is operating and suggests that resource intensive consultation techniques, such as focus groups and public meetings should be subject to criteria such as appropriateness and the availability of staffing and financial resources.
- 3.5 The revised SCI includes only slight changes to the way the Council intends to involve the community in dealing with planning applications, including the role of developers in that process. Paragraph 155 of the National Planning Policy Framework (NPPF) mentions that early and meaningful engagement should be used to consult with the community. The SCI suggests that developers with “significant” planning applications will need to engage the community with pre application consultation. Significant applications are those which are likely to produce significant public interest or controversy or likely to have a significant physical impact on the surrounding area.
- 3.6 The 2006 SCI was produced under the Planning and Compulsory Purchase Act (2004). Since adoption, the Planning Act (2008), Localism Act (2011) and associated Regulations have come into force and have introduced changes to the way Local Plan Documents are produced. The key amendments are summarised below:
- removal of the statutory requirement of the Preferred Options stage for the production of Local Plan Documents
  - introduction of a flexible participation stage as appropriate to the issues covered by the Local Plan Documents
  - removal of the requirement for the SCI to be subject to specific consultation stages independent examination and to be listed in the Local Development Scheme (LDS)
  - removal of the requirement for Supplementary Planning Documents (SPDs) to be subject to Sustainability Appraisal (except in the cases where the appraisal of the parent Development Plan Document has not covered all issues) and to be listed in the LDS
  - the introduction of Neighbourhood Planning – including publicity and consultation arrangements
  - the introduction of The Duty to Cooperate with named bodies and other local planning authorities
  - the introduction of the Community Infrastructure Levy.

- 3.8 The revised draft SCI has been written to address these changes and sets out the different stages of plan preparation, consultation arrangements and techniques for community engagement.
- 3.9 It is planned to consult with the public in early 2016 using the following consultation techniques:
- Council website
  - Press releases
  - Consultation portal
  - Notification by email or letter to people and organisations on our consultation database
  - Social media

#### 4. POLICY IMPLICATIONS

- 4.1 The SCI is a legally required document which sets out how a local planning authority proposes to engage with stakeholders and residents in the development plan-making process and planning application process. An up to date revised Statement of Community Involvement will provide clarity on how engagement will be undertaken with residents and stakeholders and that minimum requirements are met.

#### 5. FINANCIAL IMPLICATIONS

- 5.1 The cost of officer time and public consultation costs on the Revised Statement of Community Involvement will be funded from within the existing Development Plan budget. There are no expected additional costs to the council arising from the adoption of the SCI.

#### 6. LEGAL IMPLICATIONS

- 6.1 The Planning and Compulsory Purchase Act 2004 (as amended) requires local planning authorities to produce a statement of community involvement.
- 6.2 There is no legal requirement to consult on a draft SCI but it is good practice to do so, particularly as the subject matter of the document is community involvement.

<b>Non-Applicable Sections:</b>	PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	Adopted Statement of Community Involvement 2006

# Planning Division

## Draft for consultation Statement of Community Involvement




Adopted September 2006

Revised xxxx 2016

This document is available in large copy prints and electronic format. If you require the document in another format please contact the team below and we will try to tailor our communications; where appropriate and where we can.

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# INTRODUCTION

The intention of this document is to outline the Council’s standards for community participation in the planning process and to identify the ways we will achieve these standards. It is part of the Planning Division’s wider engagement strategy that aims to involve the community more comprehensively in the entire planning process.

The Statement of Community Involvement is a statutory document required under the Planning and Compulsory Purchase Act 2004 (as amended) and this revised version takes into consideration later Legislation and Regulations such as the [Localism Act 2011](#), [the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2010](#), [the Town and Country Planning \(England\) Regulations 2012](#) and the [National Planning Policy Framework \(NPPF\) 2012](#).

This document explains how the London Borough of Bromley may involve the community in planning issues relating to planning applications and the preparation of Local Development Documents. It indicates when and how you can get involved in planning matters, and what to expect from us when you do so.

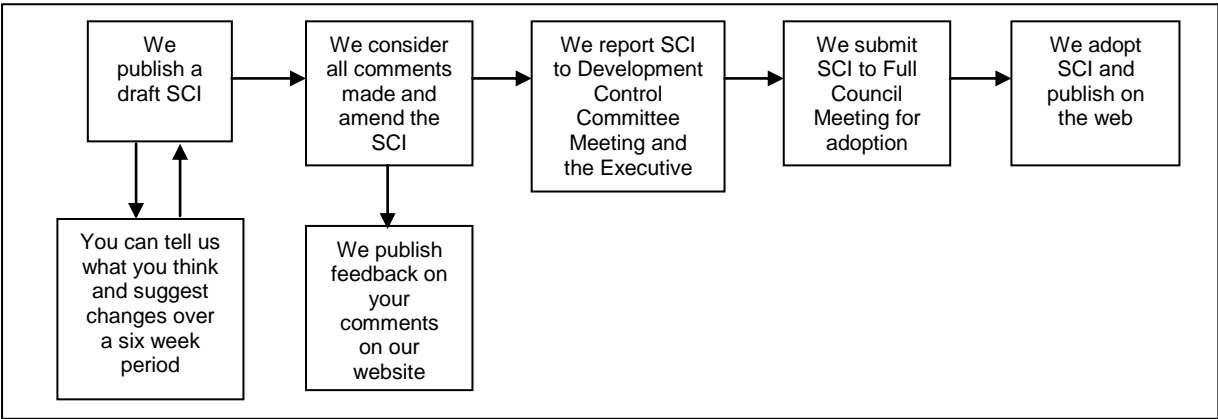
## The Original 2006 document (Background information)

The Council’s first SCI was prepared in 2005 and it sought the views of around 1100 local organisations, interested parties and statutory consultees on the consultation methods used by the Planning Division in the past and on the proposed methods outlined in the draft Statement of Community Involvement and preferred methods of consultation. The Public consultation ran between 25<sup>th</sup> November 2005 and 6<sup>th</sup> January 2006. At that time approval from the Secretary of State was required and the document was sent to the Secretary of State for independent inspection. Following the Planning Inspector’s recommendations the document was adopted by the Council.

## The Amended Document

The Council has prepared a revised SCI which will be subjected to a six week consultation period. A copy of the comments received and officer responses will be published in a Consultation Statement which will be available on the Council’s website. The document will not be considered by an inspector on behalf of the Secretary of State as the requirement was amended in the 2008 Planning Act. The diagram below shows how people and organisations will get involved.

**Diagram 1: Statement of Community Involvement (SCI): Main preparation stages and opportunity to get involved**





## 2 ENGAGING THE COMMUNITY

The planning system affects everyone in Bromley. It plays a vital role in modern society by shaping the places where we live, work, visit and learn, as well as helping to protect the environment around us in order to secure its future. The local community is an integral part of this system and has the opportunity to be actively involved in developing a vision about what the Borough will be like over the years to come and how this can be achieved.

Paragraph 155 of the National Planning Policy Framework (NPPF) mentions that early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential and a wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for development around the Bromley area.

To prepare the SCI, the Council wants to actively consult and involve the community. This provides an opportunity for the community to assess the Council's existing consultation procedures on planning issues and suggest possible improvements or alterations and to update consultation techniques in the light of technological advances – for example, we can no longer provide copies of documents on audio cassette. It also provides an opportunity for the Council to contact the various community groups to see if groups identified on our consultation database are still active and still wish to be involved, if they adequately represent a cross section of the Borough and to identify and target 'hard to reach' groups.

This document forms a major part of the SCI preparation consultation. It sets out an assessment of what the Council currently does in terms of community engagement and an assessment of other methods of consultation. It also makes clear the financial and legal constraints within which the Council must operate.

### Changes to the planning system

In 2012, the Government produced revised Local Planning Regulations. These introduced changes such as a simplified plan making process with fewer formal stages. This has prompted the revision of the SCI along with the increased use and availability of electronic communications such as email and the web which allow for easier consultation and engagement.

Other recent legislative changes include:

The **Duty to Co-operate** was established in the Planning and Compulsory Purchase Act 2004 and the [Localism Act \(2011\)](#) establishes a legal principle of co-operation with neighbouring boroughs, the Mayor of London and other authorities and agencies when reviewing policy. This is due to the impact of Local Plans being felt beyond Bromley's boundaries.

**Neighbourhood Planning ([General](#)) [Regulations 2012](#)**, which provide the opportunity for community groups (as designated neighbourhood forums) to prepare their own neighbourhood plans;

**Community Infrastructure Levy Regulations (CIL)**, April 2010 (as amended) which set out the provisions for CIL, the procedures and the bodies to be consulted

during the preparation of a CIL;

The Town and Country Planning (**Development Management** Procedure) (England) Order 1995 (as amended), which sets out the statutory provisions for consultation on planning applications, and specifies the bodies to be consulted, depending on the type of planning application; and

**Prior approvals** - [The Town and Country Planning \(General Permitted Development\) \(Amendment\) \(England\) Order 2013](#) sets out the requirements for statutory notices to be served on adjacent premises regarding prior approvals for householder extensions.

The SCI review takes on board these changes and new requirements. An updated SCI also provides the opportunity for the Council to improve its approach to community involvement in the light of 'best practice' and experience gained from recent consultations.

### **3 INVOLVING THE COMMUNITY IN POLICY PLANNING**

To be effective consultation needs to be easy and appropriate to a variety of organisations, groups and individuals. This chapter explains which groups will be approached, the manner in which consultation can be carried out, and sets out the overall timing of the process.

#### **Existing methods**

The Council already uses a wide range of techniques in order to engage the community. An assessment of the advantages and costs of techniques used in policy preparation and development control are set out in Appendix A.

#### **Introduction**

It is the intention to involve the community at an early stage in the preparation of Local Development Documents such as the Local Plan, Area Action Plans, the Policies Map (formerly Proposals Map), Site Allocations and SPDs. A full description of Local Development Documents can be found in Part 3 of [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#). This is essential to achieve ownership and legitimacy for the policies which will shape the future distribution of uses and development within the borough. Techniques need to be tailored to involve the appropriate parts of the community at the stages when their involvement is relevant and of value.

#### **Types of groups to be approached**

The Council is committed to comprehensive consultation and involving as many people and organisations as possible in drawing up its planning policies. The principal groups to be approached are:

- residents (including “hard to reach” groups)
- businesses
- developers/agents/landowners
- central, regional and local government
- statutory bodies and groups
- local strategic partnership
- interest groups, e.g. youth, health care, safety, architectural, environmental
- local community groups / residents associations / faith organisations

To be effective consultation needs to be accessible and appropriate to the needs of the particular group. Therefore innovative approaches may need to be explored, especially in relation to hard to reach groups, such as the young, disabled, local traders and ethnic minorities. These groups have tended to be under represented and therefore proactive consultation techniques may be required to reach them.

#### **How information will be made known**

Information relating to the Local Plan process will be made widely available through a variety of methods:

- where possible information will be made available both in paper and electronic formats;
- copies of all documents will be made available to view at the Main Reception of

the Civic Centre, local libraries within the borough (and, if desirable, libraries in nearby authorities) and on the council's website ([www.bromley.gov.uk](http://www.bromley.gov.uk));

- all information can be made available upon request in large print and electronic format. Short documents can be produced in Braille or other languages;
- using existing networks and contacts (both inside and outside the Council) to disseminate information;
- any person who makes a comment will be included on an electronic database and will be automatically kept informed at subsequent stages of the process. In order to aid those who do not have time to regularly check the website an email alert system will be introduced. People can register their email address and when documents are placed on the website they will be informed accordingly to look at the site;

The Council is committed to maximising participation from the community, whilst having to manage the impacts of ever decreasing budget. Particular efforts will be made to engage 'hard to reach' groups that often do not take part in planning consultations. The scale of consultation and the methods used at any particular stage will depend on the:

- appropriateness of the method for that particular consultation;
- nature of topic being considered;
- geographic coverage of the document;
- stage of the planning process reached;
- need for specialist knowledge; and
- availability of staffing and financial resources.

Diagram 2 shows the consultation methods proposed for various types of planning documents

**Diagram 2 - Consultation Methods Proposed for Various Local Plan Consultation Stages**

Document	Resource Implications	Development Plan Documents e.g. Borough wide Local Plan, Bromley Town Centre Area Action Plan			Community Infrastructure Levy		Supplementary Planning Documents	Article 4 Directions	
		Regulation 18		Regulation 19	Draft	Submission	Consultation Draft	Introduction	Confirmation
Stage of Document		Initial Engagement	Draft Plan	Proposed Submission					
The use of a consultation technique, particularly one with high resource implications, will be used where the need arises depending on the agreed preferences of identified (especially hard to reach) groups, the stage in the plan making process, the staffing and financial resources available and other reasonable issues									
Consultation Methods/Techniques	Council's Website	Low	✓	✓	✓	✓	✓	✓	✓
	Consultation Portal	Medium	✓	✓	✓	✓	✓		
	Available for Inspection	Low	✓	✓	✓	✓	✓		
	Surveys/ Questionnaires	Medium	✓	✓	✓	✓	✓		
	Notification by letter/email	Medium	✓	✓	✓	✓	✓	✓	✓
	Local / Specialist Press	Medium	✓	✓	✓	✓	✓	✓	✓
	Social Media	Low	✓	✓	✓	✓	✓		
	Flyers / Posters / Newsletters	Medium	✓	✓	✓	✓	✓		
	Exhibitions/ Road-shows	High	✓	✓	✓	✓	✓		
	Public Meetings	High	✓	✓	✓	✓	✓		
	Workshop / Planning for Real Exercises	High	✓	✓		✓	✓		
	Contact with hard to reach Groups	Medium	✓	✓	✓	✓	✓		
	Focus Groups	High	✓	✓		✓	✓		
	One to One Sessions	High	✓	✓		✓	✓		

## How the community will be involved in producing a Development Plan Document

Development Plan Documents need to follow a statutory process set out in the [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#), through to adoption as set out in Figure 1 below. Possible consultation methods at each stage are set out in Diagram 2.

**Figure 1. Process for Producing a Development Plan Document (DPD)**

Stage	Process and Requirements
1. Preproduction evidence gathering	This stage involves the collection of up-to-date information base on a range of social, economic and environmental matters.
2. Preparation of a local Plan ( <a href="#">Reg. 18</a> )	The results of Stage 1 will be used to identify the main issues that the plan needs to deal with and the options that are available. An assessment of the plan's social, economic and environmental impacts is also produced at this point, in the form of a Sustainability Appraisal (SA). At this stage, the Council is required to notify each of the specific consultation bodies that is considered may have an interest in the proposed Local Plan, and any general consultation bodies that is considered appropriate, in relation to the subject of the proposed Local Plan, and invite them to make representations. Local residents and businesses may also be informed, and invited to comment. The local authority must take into account any representations received as a result of preparing the Local Plan. Comments will be considered and used to develop the plan
3. Publication of a Local Plan ( <a href="#">Reg. 19</a> )	The Council publish the plan in its final version. A more detailed assessment of the plan's social, economic and environmental impact (SA) is also published. A public consultation will be held for a minimum of six weeks. After completing the above requirements, the Council will send a request to the Mayor of London seeking his opinion regarding the conformity of the plan with the London Plan.
4. Submission to the Secretary of State ( <a href="#">Reg. 22</a> )	The Council will send the plan and any supporting documents to the Secretary of State to be examined and also notify both specific and general consultation bodies that the documents are available for inspection on the web and in paper form at the Civic Centre and local libraries.
5 Independent Examination ( <a href="#">Reg. 24</a> )	An Inspector appointed by the Government will carry out an independent examination of the 'soundness' of the plan. Those who made representations on the plan under Regulation 20 may be allowed to appear in front of the Inspector in person.
6. Publication of the Inspector's Report and Adoption (Regs. <a href="#">25</a> & <a href="#">26</a> ).	Following the examination, the Inspector writes a report and decides what changes (if any) need to be made. The recommendations of the Inspector will be published online and the plan will be changed in line with the recommendations. It is this version of the Plan that will be adopted by Full Council.

**How the Community will be involved in producing Supplementary Planning Documents**

The process for preparing and adopting Supplementary Planning Documents (SPDs) is shorter than for DPDs. SPDs are not subject to Independent Examination. Figure 2 sets out the process for preparation through to adoption in accordance with the statutory process, as set out in in the [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#). Possible consultation methods at each stage are set out in Diagram 2.

**Figure 2. Preparing a Supplementary Planning Document (SPD)**

Stage	Process and Requirements
1. Development of evidence base	This stage involves the collection of up-to-date information base on a range of social, economic and environmental matters.
2. Preparation of draft SPD	A draft version of the SPD is produced which is based on the evidence collected at stage 1.
3. Public Participation on the draft SPD ( <a href="#">Reg. 12</a> )	Once the draft has been produced, the Council will consult on this document for a period of 6 weeks. Topic specific documents of a specialist nature and few consultees can have a shorter consultation period if deemed necessary. Any representations made will be considered and amendments will be made to the document, where required.
4. Adoption ( <a href="#">Reg. 14</a> )	The SPD is adopted in line with Regulation 14

**Localism and the Duty to Cooperate**

The Localism Act (2011) has introduced the Duty to Co-operate which requires planning authorities and other public bodies to actively engage and work jointly on strategic matters. London is unique in retaining a Regional Spatial Strategy (RSS) in the form of the London Plan which acts to co-ordinate regional policy in London. The Local Plan policies of the London boroughs are required under Section 21 of the Town and Country Planning (Local Planning) (England) Regulations 2012 to be in general conformity with the London Plan. There are a number of issues such as transport, flood risk and waste management that have impacts that cross borough boundaries, for example, waste is taken to landfill sites in Surrey and Bromley’s rivers flow through many borough boundaries before reaching the Thames. The London Plan also establishes the London-wide growth strategy culminating in a hierarchy of designated town centres, identification of key growth points in the form of Opportunity Areas and London-wide approach to industrial land. The Council will explore appropriate approaches to such issues jointly with neighbouring boroughs and public bodies to ensure that strategic priorities are reflected in the Local Plan.

**Neighbourhood Plans**

The Localism Act 2011 made provision for the preparation of Neighbourhood Plans by communities. Communities can prepare neighbourhood plans to influence the future of their areas. These let people set out their vision for their local area and general planning policies to guide development in their neighbourhood. Neighbourhood Plans can only be prepared by a designated Neighbourhood Forum within a given Neighbourhood Area agreed by the Council following a public consultation.

Neighbourhood Plans must be in conformity with national policy as well as the Development Plans (for example, the Local Plan and the London Plan) that have been adopted by the Local Planning Authority (LPA). Consultation requirements pertaining to Neighbourhood Plans are outlined in The Neighbourhood Planning (General) Regulations 2012.

If you are thinking of preparing a Neighbourhood Plan in your area, please download the [Neighbourhood Planning Guidance](#) on the Government's website or get in touch to discuss your plans and timetable with the Planning Policy Team.

Email [ldf@bromley.gov.uk](mailto:ldf@bromley.gov.uk) or call 020 8313 4730.

### **Community Infrastructure Levy**

The Community Infrastructure Levy (CIL) is a statutory development charge that came into force on 6 April 2010. The Legislation and accompanying Regulations allow Local Authorities to collect and pool financial contributions from developers to help pay for strategic infrastructure that is necessary to support new development, such as; transport, community and leisure facilities, schools, and public open spaces. Once a local CIL is adopted by the Council, it will work alongside Section 106 agreements as a means for developer financial contributions to be collected to pay for infrastructure needed to support new development. S106 agreements will continue to be used but in more site specific mitigation to manage the impacts of a development scheme. Further information in relation to development of the Council's Community Infrastructure Levy can be found on the Council's website.

### **Sustainability Appraisal**

We will be producing a Sustainability Appraisal in parallel with each document if required. The community and stakeholders will be encouraged to examine our policies and proposals to ensure that they are sustainable.

### **Resources and Management of the Process**

The majority of work involved in undertaking community involvement will be the responsibility of the Planning Policy Section, also known as Planning Strategy and Projects, within the Council's Planning Division. Assistance from other staff within the department and the Corporate Communications Team will be called upon as required. Full use will be made of existing community communication arrangements and press releases

If external consultants are required, the necessary funds will be made available.

In addition existing forums and interest groups will be used to avoid consultation overload.

### **How the Council will acknowledge and report back on representations**

All responses received by letter or e-mail will be acknowledged within 5 working days of receipt.

Anyone making comments on any Local Development Document during the process will be included on the Council's database and will automatically be kept informed at all subsequent stages. A list of consultees (groups, organisations and companies, but not individuals) will be published on the web. The most up to date list will be available for viewing on request.



If you would like to join the LDF Consultee database please email [ldf@bromley.gov.uk](mailto:ldf@bromley.gov.uk) or telephone **020 8313 4730**.

At the end of each consultation period the Council will analyse the responses and prepare a summary report to be considered by the Development Control Committee. The report will include any proposed actions to be undertaken as a result of your comments. A summary of all comments and subsequent changes will be included in the report. The comments and the reports will be made publicly available both on the website and in hard copy at the Main Reception areas at the Civic Centre and local libraries.

## **4 INVOLVING THE COMMUNITY IN PLANNING APPLICATION DECISIONS**

It is also important that you have an opportunity to be involved in planning applications. This section explains how the Council intends to involve the community in dealing with planning applications, including the role of developers in that process.

### **Introduction**

This Statement of Community Involvement is also important in providing a framework to involve the wider community at an early stage on planning applications. The Council has a duty to consider all valid planning applications it receives, regardless of whether or not they reflect adopted policies. Most people become involved in planning as a result of commenting on or submitting a planning application. In this respect it is important to recognise that “significant” (major) applications subject to wider consultation than those of a minor nature.

### **What are “significant” applications?**

The Government has a definition of “major” applications which includes:

- a residential development for 10 or more dwellings
- residential development on a site of 0.5 hectares or more
- development involving a building(s) with a floor space of 1000 square metres or more
- any other development on a site of 1 hectare or more

It is recognised that not all major planning applications are controversial; indeed many that generate the most public interest are often not major applications. In order to try and overcome this dilemma “significant” planning applications will be identified by the following additional criteria:

- a major application likely to produce significant public interest or controversy;
- an application likely to have a significant physical impact on the surrounding area or could be a potential departure from the adopted Development Plan.

The Chief Planner will decide whether an application is significant or not.

### **Pre-application discussions and early community consultation**

The Council and government advice encourages developers to enter into early discussions before submitting an application, although there is no statutory

requirement for an applicant to do so. It is important that this should include appropriate key consultees such as the Environment Agency or the Highways Authority. At this stage planning officers can advise developers in their opinion whether an application is likely to be “sensitive” and therefore if there is any need for the applicant to undertake additional community consultation.

Before a “significant” application is submitted to the Council, applicants will be expected to:

- contact local residents and interest groups informing them of the development proposed;
- arrange a public meeting or exhibition at a suitable location in close proximity to the application site in order to allow the proposal to be more fully understood by the local community prior to submission.

It will be necessary to:

- submit a brief statement as part of the planning application submission outlining what consultation has taken place, who with, the comments received and how these have been taken into account within the application; and
- attend meetings with local groups that are likely to have an interest in the application proposal.

The Council’s aim is to encourage discussions to take place **before** any “significant” application is submitted in order to try and achieve a degree of consensus and/or at least a clear understanding of what the proposal is trying to achieve. It is, however, important that the impartiality of the Council is maintained in the pre-application process. As far as possible, therefore, the Council’s role will be to maintain a watching brief during the pre-application process. Council officers will therefore not normally be involved in pre-application public consultation documents or meetings.

### **What we do when a planning application is received**

The Council has a range of methods to ensure that submitted applications are brought to the attention of its residents, statutory consultees and other stakeholders. The details of each application are published on Planning Public Access on the Council’s website ([www.bromley.gov.uk/planningaccess](http://www.bromley.gov.uk/planningaccess)). The application form, location plan and full plans are available and each application is updated with the decision notice.

The website also provides the opportunity and primary way for anyone to comment on a submitted application.

A weekly list of all valid planning applications received is circulated to councillors and published on the Council’s website via Planning Public Access. The website provides the opportunity to search for an application via the planning application number (supplied in all correspondence) or via the property address.

Advertisements - legislation requires statutory publicity for different types of applications.

The Council produces at least one site notice and an advertisement in a local newspaper for the following types of applications:

- subject to an Environmental Assessment
- development affecting a right of way
- affecting a listed building or conservation area
- departure from the Development Plan
- discretionary advertisements
- development by adjoining planning authorities

Site Notice: site notices are only used in the case of significant applications to provide information for people in the vicinity of a site. It includes information on:

- the nature of the application,
- how to contact the Council,
- how to view plans, and
- the deadline for making comments (usually 21 days from the date of the notice).

Neighbour notification: the occupiers of properties immediately adjoining an application site are notified individually by letter that an application has been received. In some cases letters are sent on a discretionary basis to other nearby properties which may be affected. They are invited to inspect the application and make any written observation. If the occupier is disabled or elderly and unable to get to the Civic Centre, copies of the plans can be provided free of charge if they have no reasonable access to the Council's website.

Legislation does not specify which properties are to be notified and consequently the Council operates a flexible system of consultations, but it is based on a number of important principles:

- significant applications which have a wide public interest will have a wide area of notification;
- all owners or occupiers of properties immediately abutting the site (disregarding any roads) are notified of applications;
- a minimum of 21 days is given for comment.

Comments supporting or objecting to a proposal may be made by anyone regardless of whether they have received a letter or been specifically consulted. The Council, however, can only take into account planning considerations. Comments received must relate to planning matters which include such issues as impact on lighting or highway safety. The following types of concerns are not generally planning considerations and cannot be taken into account:

- Loss of value to property
- Commercial competition
- Loss of a view
- Disturbances during building work
- Land ownership disputes
- Private deeds or covenants
- Where development has already started
- Matters covered by other legislation including licensing or gambling

Comments should be submitted as soon as possible, although the Council will take into account any representations received up to the date on which the decision is made. No application will be determined within a period of 21 days from the date when the consultation letters are sent out (or 14 days for a re-consultation). It may

be necessary, in exceptional circumstances, to write and publish reports for a Planning Committee before the expiration of the 21 days. In such cases, comments not already noted will be reported verbally at the Committee meeting. All comments received are made available for public inspection by prior arrangement on request to the Council and will not be treated as confidential (unless an exemption under the Freedom of Information Act or Environmental Regulations applies).

Statutory consultees: there is a statutory requirement to inform certain consultees of planning applications set out in the [Town and Country Planning \(General Development Procedure\) Order 2015](#). A list is included in Schedule 4 of the order.. The organisations to be consulted will vary with the nature of the proposal and location. Consultees are notified in writing and normally have 21 days in which to respond.

The Council is committed to negotiating improvements to proposals wherever possible and to achieve this it consults a wide range of non-statutory consultees on a range of applications. As a result there is consultation with groups such as the local Wildlife Trust or the council's Heritage and Urban Design Team on applications affecting specific landscape and wildlife interests. Other groups that are regularly consulted are English Nature, the Metropolitan Police and the Advisory Panel for Conservation Areas (APCA) which meets once a month.

### **What happens if amendments are made?**

Although pre-application discussions can help reduce the number of issues which may require addressing once an application has been submitted, sometimes negotiation takes place on applications; particularly major ones. Although there is no legal requirement to do so, the Council endeavours to re-notify if the amendments would materially affect the considered views of interested parties.

### **What involvement is there when an application is being determined?**

Around 90% of the applications submitted to the Council are dealt with through powers delegated to the Chief Planner. This helps to ensure that the majority of applications are dealt with within the statutory period set by the Government. For delegated decisions a summary officer report is displayed on the Planning Public Access website alongside the decision which explains why the decision was made.

The Council has four plans sub-committees allowing a meeting to be held every two weeks and operates a system that allows public speaking at Planning Committee. This gives members of the public the opportunity to comment on applications determined by committee either in support or as an objector. Councillors then consider these comments in determining the application.

The Development Control Committee meets on an approximate 2 monthly cycle and considers the more major or contentious planning applications. As with the sub-committees, the public have an opportunity to comment.

### **How else do we involve the community?**

Councillors are also involved in the consultation process. Councillors receive the weekly list. Members can request copies of documentation or plans relating to individual applications. Residents can speak to their Ward Councillors about planning applications.

An annual Residents Association Seminar is normally hosted by the Planning Division to provide information and updates on planning matters.

## 5 PLANNING AID FOR LONDON

[Planning Aid for London](#) is a voluntary organisation providing immediate, free and independent professional advice over the telephone on town planning related matters to individuals (and some community groups) who cannot afford consultancy fees. Planning Aid for London can help groups use and influence planning policies, and to draw up their own plans for their area.

The organisation can be contacted at:

Planning Aid for London, c/o TCPA17 Carlton House Terrace, London SW1Y 5AS

Telephone: 03007 729 808

Email: [info@planningaidforlondon.org.uk](mailto:info@planningaidforlondon.org.uk) or at [planningaidforlondon.org.uk](http://planningaidforlondon.org.uk)

## 6 MONITORING AND REVIEW

The Council will monitor the success of the community involvement techniques to determine whether a representative level of public involvement has been achieved. We aim to continually learn about what works and what could work better, and therefore monitoring will be built into each involvement activity.

The monitoring process will seek to determine:

- Is the SCI effective in engaging a range of people?  
Indicators:           Number of people participating in consultations  
                          Number of groups participating in consultations  
                          Number of “hard to reach” people or groups participating in consultations
- The extent to which representations effect change?  
Indicator:            Number of proposed changes to Local Development Document
- Do participants value their involvement in the process?  
Indicators:           Number of complaints / negative comments received
- How effective is the use of the website?  
Indicators:           Number of people logging on for information  
                          Number of people responding via the website

These indicators will be used to review the SCI and changes will be considered where there has been a particularly low level of community participation. This will be a continuous process to be undertaken by the staff in the Planning Policy Section. The Head of Planning Strategy and Projects will be responsible for this monitoring process.

The success and effectiveness of the Statement of Community Involvement will be reviewed through the Annual Monitoring Report (AMR).

## **7 FINANCIAL AND LEGAL CONSIDERATIONS**

It is important that the Statement of Community Involvement sets out a realistic approach towards community involvement and does not raise expectations, which the Council cannot meet. The legal requirements for consultation and public participation for the Local Development Framework are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council will meet these minimum requirements and exceed them where possible.

National and regional guidance must also be considered (such as the National Planning Policy Framework (NPPF) 2012 and the London Plan) and will inform the Policy content of the Local Plan.

The Council has set out a timetable for the preparation of policy documents in the Local Development Scheme.

In order to achieve all this, time and cost issues will need to be managed carefully, including staff resources and costs of publicity, venues, external facilitators and so on.

## **8 NEXT STEPS**

This document will be amended in the light of the comments we receive. It will then be adopted at a full Council meeting.

## **9 APPENDICES**

Appendix A: Assessment of advantages and costs of potential methods of consultation which may be used in policy preparation and development control

Appendix B: Glossary

Appendix C: List of all Consultees (to be regularly updated – latest version will be on the Bromley website)

Report No.  
DRR15/110

London Borough of Bromley

PART ONE - PUBLIC

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

**Date:** 10<sup>th</sup> December 2015  
13<sup>th</sup> January 2016

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

**Title:** **LOCAL DEVELOPMENT SCHEME 2015-17**

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

**Chief Officer:** Chief Planner

**Ward:** (All Wards);

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1. Reason for report

This report seeks Members' agreement to the Local Development Scheme (LDS) for 2015/17 forming Appendix 1 to the report, setting out the revised timescale for the preparation of the Local Plan for the Borough. The current legislative requirements for the LDS are to only include the development plan documents (DPD) which are subject to independent examination which for Bromley will be the borough-wide Local Plan and the review of the Bromley Town Centre Area Action Plan which will follow the adoption of the first document. It also shows an indicative timescale for the preparation of a local Community Infrastructure Levy and a new Planning Obligations Supplementary Planning Document (SPD).

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2. **RECOMMENDATION(S)**

Development Control Committee

2.1 Members are asked to recommend to the Executive that the revised Local Development Scheme for 2015-2017 as set out in Appendix 1 be approved as the formal management document for the production of the Bromley Local Plan.

Executive

2.2 Members are asked to agree the Local Development Scheme for 2015-2017 as set out in Appendix 1 as the formal management document for the production of the Bromley Local Plan.

### Corporate Policy

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

### Financial

1. Cost of proposal: Estimated Cost Up to £91k
  2. Ongoing costs: Non-Recurring Cost
  3. Budget head/performance centre: Local Plan Implementation budget and carry forward balance
  4. Total current budget for this head: £31k and £60k
  5. Source of funding: Existing revenue budget for 2015/16 and carry forward sum
- 

### Staff

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

### Legal

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

### Customer Impact

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

### Ward Councillor Views

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



### 3. COMMENTARY

- 3.1 The Council is required to publish an up to date Local Development Scheme (LDS), setting out the timescale for the preparation of local development plan documents (DPDs). There is no longer a requirement for the LDS to be submitted to Secretary of State. The last LDS dated February 2015 was agreed by the Council in spring 2015.
- 3.2 The early 2015 LDS showed the consultation on the Draft Site Allocations being undertaken in July/August this year, however it was decided to delay this to September/October and include further policies and designations reflecting in part the changes to the London Plan 2015 and to avoid the main holiday period. The response to the Autumn consultation has been greater than could have been expected with over 1100 responses. It will therefore take longer than anticipated to review and analysis these responses before reporting to Members in the new year and making recommendations for the Draft Local Plan,
- 3.3 However, the revised timescale set shows the Draft Local Plan being consulted on Spring 2016 with submission to the Secretary of State the summer and adoption of the Local Plan by the end of the calendar year. This is in line with the requirement for Local Planning Authorities to have an up-to-date local plan in place in 2017, and if not face potential intervention by the Government as part of its Productivity Plan.
- 3.4 The new LDS included as Appendix 1 seeks to reflect the recent Government planning reforms, anticipate the work involved from further likely changes proposed, the Council's resources and lessons from other authorities and Inspectors' reports regarding timescales, and the increased burden on authorities to demonstrate plans are based on objective and up to date evidence to be found 'sound'. The Local Plan needs to be in conformity with the London Plan which forms part of the Development Plan for the Borough.
- 3.5 At this stage is it difficult to estimate the impact of the Government's Housing Bill, and the resources required to incorporate changes as appropriate within the emerging Local Plan. The Local Development Framework Advisory Panel (LDFAP) has, and will continue to meet regularly to provide guidance and advice with regard to the Local Plan.
- 3.6 The LDS outlines the further evidence required to ensure the Local Plan is 'sound', the risks and measures to mitigate these. The draft LDS also shows the timescale for the preparation of a Bromley Community Infrastructure Levy (CIL). The third set of CIL regulations increased the consultation period for each stage of the preparation of the charging schedule for CIL to six weeks, and again increased the burden for evidence of viability and the proposed infrastructure to be funded based on an up to date development plan. On this basis the LDS shows the CIL Examination following closely after the Local Plan Examination.
- 3.8 The Local Plan will include the vision and objectives for the Borough, planning policies and site allocations. The number of supplementary planning documents will be kept to a minimum but will include, a revised S106 supplementary planning document (SPD) alongside the introduction of a local Community Infrastructure Levy.
- 3.9 Viability work to support the Local Plan and the introduction of a local Community Infrastructure Levy is underway and will help identify the type of development which could be subject to a Local CIL. The Council collected approximately £1.32m in 2014/15 from the Mayoral CIL. On a similar scale of development it is anticipated that Bromley's CIL could secure between £1.3m and £3.8m per annum.
- 3.10 The Local Plan and CIL work is led by the Planning Strategy team which provides the majority of the resources. However, as well as contributions from other Council services, consultants are required to undertake specialist work and this is included in the Local Plan budget. The Council is responsible for paying the cost of the Examinations of the Local Plan and the

Community Infrastructure Levy Charging Schedule which is estimated to be in the region of £40-60k and includes the Inspector and the Programme Officer's costs.

- 3.11 The LDS shows the Bromley Town Centre Area Action Plan (BTCAAP) being reviewed following the adoption of the Borough-wide Local Plan. It will part of the Local Plan as a whole, and if there is a need for an early partial review of the Local Plan on the basis of the emerging new London Plan this could be integrated into the BTCAAP review.

#### 4. POLICY IMPLICATIONS

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

#### 5. FINANCIAL IMPLICATIONS

- 5.1 The cost of public consultation, related printing and publishing of any Local Plan document will be met from the Local Plan Implementation budget of £31k within Planning Services.
- 5.2 The cost of the examination of the plan in public, any further evidence work required during 2015 and the examination of the CIL charging schedule is expected to cost up to £60k. The Executive agreed to carry forward £60k in June 2015 for the preparation of the Local Plan. This was intended to fund the examination of the plan in public and associated work which is now expected to be undertaken during 2016/17. A request for approval to carry forward this sum will be submitted to the Executive in June 2016.
- 5.3 It should be noted that the precise timing of the examination in public is determined by the Planning Inspectorate and is therefore outside of the Council's control.
- 5.4 The timetable included in Appendix 1 indicates that the Bromley CIL charging schedule should be effective from March/April 2017. With a similar scale of development as in 2014/15, it is anticipated that between £1.3m and £3.8m per annum could be generated by Bromley's CIL towards infrastructure.
- 5.5 Once the local CIL is in place, S106 contributions will mainly be for affordable housing, unless specifically negotiated.

#### 6. LEGAL IMPLICATIONS

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

<b>Non-Applicable Sections:</b>	PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	Report DRR15/021 Local Development Scheme 2015-16 DCC 24 <sup>th</sup> March 2015 Executive 20 <sup>th</sup> May 2015.

**Appendix 1**

**London Borough of**

**BROMLEY**

**LOCAL DEVELOPMENT SCHEME**

**December 2015**



**Introduction****APPENDIX 1**

- 1.1 The Planning and Compulsory Purchase Act 2004 (The Act) requires the Council to prepare and maintain a 'local development scheme'. This document is the revised Local Development Scheme for Bromley, (also referred to as the LDS). It replaces the September 2013 version for Bromley published in Autumn 2013. This version has been prepared with regard to the Act and its associated Regulations which set out what is required of an LDS.
- 1.2 This LDS takes into account the changes in legislation and policy at a national and regional level and the resources available to the Council. It reflects the impact of continued planning reforms, and the Mayor's 2015 London Plan, which when adopted and forming part of the London Plan (as amended) the Local Plan will be required to be in conformity with.
- 1.3 The primary purpose of the LDS is to inform the public about local development plan documents for Bromley and the timescale for their preparation. National Planning Policy Guidance (2014) states that local authorities should publish the timescale on its website and keep this up to date.
- 1.4 Bromley adopted its UDP in 2006, and 'saved' many of its policies in 2009. The Council subsequently worked on its Local Development Framework, and under this system adopted the Bromley Town Centre Area Action Plan and Supplementary Planning Documents for Affordable Housing, and for Planning Obligations. The Council is now preparing Bromley's borough-wide 'Local Plan'.
- 1.5 There are six different types of planning document that could potentially be prepared. Their content varies from policies for the use of land, policies for involving the public in planning, guidance and information and procedural documents.
- Development Plan Documents (DPDs)
  - Neighbourhood Plans
  - Supplementary Planning Documents (SPDs)
  - Community Infrastructure Levy (CIL) Charging Schedule
  - Statement of Community Involvement (SCI)
  - Authority Monitoring Report (AMR)

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

- 1.6 The Bromley Local Plan will be the borough-wide DPD which sets out the overarching strategy for the future development of the Borough to 2031-36 and detailed policies to manage new developments and incorporates strategic site allocations supporting its delivery. The Bromley Town Centre Area Action Plan (BTCAAP) is an existing Adopted DPD covering a specific part of the Borough and adopted relatively recently in 2010, and will therefore be reviewed once the Local

Plan is adopted. When reviewed it will form part of the Borough's Local Plan.

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

#### Neighbourhood Plans

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

#### Supplementary Planning Documents

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

#### Community Infrastructure Levy (CIL) Charging Schedule

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

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

### **Bromley's Current Position**

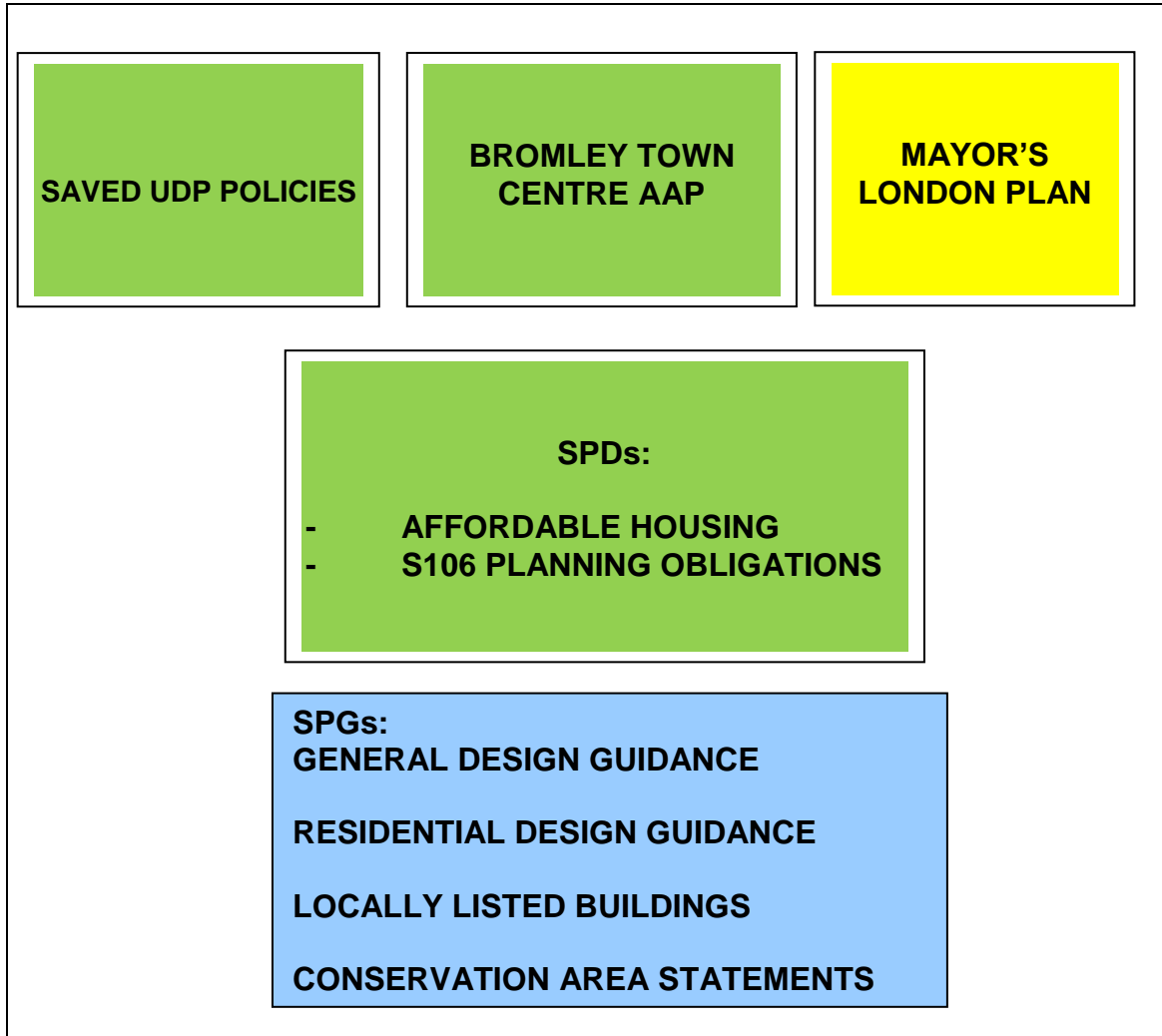
- 2.1 The Council decided to move to preparing a Local Plan in line with the NPPF rather than a Local Development Framework which it started to prepare and adopted some documents.
- 2.2 The current Development Plan for the Borough comprises:
  - 'saved' policies from the 2006 UDP
  - Bromley Town Centre Area Action Plan (2010)
  - Affordable Housing SPD (2010)
  - Planning Obligations SPD (2010)
  - Supplementary Planning Guidance linked to the saved UDP policies
  - The London Plan (2011)
- 2.3 Diagram 1 illustrates this position.
- 2.4 The Development Plan for Bromley currently comprises the London Plan (2015) as amended, and the 'saved' policies from the 2006 Unitary Development Plan.

### **Saved Policies**

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

Diagram 1

**BROMLEY'S DEVELOPMENT PLAN (CURRENT)**



**STATEMENT OF COMMUNITY INVOLVEMENT**

**AUTHORITY MONITORING REPORT**  
**LOCAL DEVELOPMENT SCHEME**

**Supplementary Planning Documents**

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

**Supplementary Planning Guidance**

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

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

**Table 1 - Supplementary Planning Guidance**

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

### **Preparation of the Local Plan**

- 3.1 The Council signalled it would move to a Local Plan with the National Planning Policy Framework (2012) and incorporate the work undertaken so far to progress the Local Development Framework. This included the evidence base which continues to be updated as appropriate, and the Core Strategy Issues Document consultation from 2011. With the Bromley Town Centre Area Action (BTCAAP) adopted recently in 2010 it was agreed that it would be reviewed after the adoption of the Borough-wide Local Plan. The Borough-wide Local Plan would therefore only include those elements which required updating, for instance, the Bromley North site (ormer Opportunity Site A ); originally included in the Bromley Town Centre Area Action Plan, Policy OSA Bromley North was quashed following a judicial review.
- 3.2 In 2012 the Council undertook consultation on its Local Plan 'Options and Preferred Strategy' in 2014 its 'Draft Policies and Designations' Document. The issuing of the Draft Policies and Designations Document overlapped with the Mayor of London consulting on the Further Alterations to the London Plan in early 2014. The FALP were consolidated into the London Plan 2015 in March 2015. Following the 2015 London Plan, the Council consulted on its Draft Allocations, Further Policies & Designations in September/October 2015. The Council is currently analysing the responses.
- 3.3 The Local Plan when adopted together with the London Plan and the BTCAAP will form the Development Plan for the Borough.
- 3.4 There is a period of transition between the old and new systems. The old system is represented by the 'saved policies of the 2006 adopted Bromley Unitary Development Plan (UDP) and currently these together with the Bromley Town Centre Area Action Plan form the Development



Plan for the Borough together with the London Plan. Appendix 1 sets out the ‘saved’ UDP policies.

**Development Plan Documents**

- 3.5 Bromley Borough Local Plan – this will set out the spatial vision and strategic objectives, policies for managing development in the Borough, identify the main sites where development or change is anticipated and the proposals map identifying areas designated for protection or where areas where specific policies will apply. It will incorporate the Bromley Town Centre Area Action Plan with any amendments that are made during the Local Plan process.
- 3.6 Bromley Town Centre Area Action Plan, adopted in 2010 it forms part of the broader Local Plan, and will be reviewed following the Borough-wide Local Plan, and will if required, and appropriate an early partial review of the Borough-wide Local Plan.
- 3.7 In addition there will be a Community Infrastructure Levy (CIL) Charging Schedule
- 3.8 The timetable for the production of these three documents is detailed in Tables 2, 3 and 4 and shown in summary on Annex 1. Diagram 2 shows the other documents involved as well.

**Diagram 2**

BROMLEY’S DEVELOPMENT PLAN (PLANNED)



## **Supplementary Planning Documents**

- 3.9 The LDS is only required to set out the timetable for Development Plan Documents which have to be subject to an Examination in Public. However, the Council considers it useful to indicate the programme for the S106 Planning Obligations Supplementary Planning Documents which will be prepared alongside the introduction of a Bromley Community Infrastructure Levy.

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

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

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

## **Other Documents**

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

Statement of Community Involvement (SCI) Bromley's Statement of Community Involvement (SCI) was Adopted in 2006. The Council is updating the SCI in line with current good practice This reflects the greater public access to, and use of information technology. Consultation is planned for early 2016 and shown in Annexe 1.

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

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

## **Local Development Document Profiles**

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

TABLE 2

<b>TITLE</b>	<b>Borough-Wide Local Plan</b>	
Development Plan Document	YES	
<b>ROLE &amp; CONTENT</b>	<p>The Local Plan will establish the Vision, Key Objectives and Spatial Strategy for the Borough, reflect the spatial aspirations of the Community Strategy and contain a number of core policies and a monitoring and implementation framework.</p> <p>It will address levels of growth and the strategic distribution of development and will include policies addressing key issues and policies to aid the development management process including a clear strategy for the delivery of its objectives.</p> <p>The Local Plan will include a key diagram identifying the spatial elements of the strategy.</p>	
<b>GEOGRAPHICAL COVERAGE</b>	Borough-wide	
Responsibility for Production	Lead	Planning Strategy Team
	Resources	Planning Strategy Team with input from other services as required
	Stakeholder & Community Involvement	Consultation and engagement in line with the SCI
<b>KEY MILESTONES</b>	<ul style="list-style-type: none"> <li>▪ Consultation on sites assessed as part of the site allocation process.</li> <li>▪ Consultation on new Local Green Space Designations,</li> <li>▪ Consultation on revised Statement of Community Involvement</li> <li>▪ Draft Local Plan pre-submission Consultation</li> <li>▪ Submission to the Secretary of State and then Examination</li> <li>▪ Receipt of Inspector's Report</li> <li>▪ Adoption of the Local Plan by Full Council</li> </ul>	<p>Sept/Oct 2015</p> <p>February/March February/March 2016</p> <p>May/June 2016 Autumn 2016</p> <p>January 2017</p>
<b>REVIEW</b>	The document will be monitored on an annual basis through the Authority Monitoring Reports.	

TABLE 3

<b>TITLE</b>	<b>Community Infrastructure Levy Charging Schedule</b>
Development Plan Document	NO
<b>ROLE &amp; CONTENT</b>	The document will set out the charges to be levied on new development within the Borough.
<b>GEOGRAPHICAL COVERAGE</b>	Borough-wide

BROMLEY LOCAL DEVELOPMENT SCHEME 2015-2017

UDP REPLACEMENT	N/A	
Responsibility for Production	Lead	Planning Strategy Team
	Resources	Planning Strategy Team with input from other services as required
	Stakeholder & Community Involvement	Consultation and engagement as required by the CIL Regulations 2010 (as amended) and in line with the SCI
TIMETABLE & KEY MILESTONES	<ul style="list-style-type: none"> <li>▪ Preliminary Draft Charging Schedule consultation</li> <li>▪ Publish draft schedule and consults</li> <li>▪ Submit for examination</li> <li>▪ Receipt of Inspector's Report</li> <li>▪ Adopt Charging Schedule</li> </ul>	
REVIEW	The document will be monitored on an annual basis and will then be the subject of review if the monitoring highlights such a need.	

Table 4

<b>TITLE</b>	<b>Review of Bromley Town Centre Area Action Plan</b>	
Development Plan Document	YES – part of the Local Plan	
ROLE & CONTENT	The revised BTCAAP will form part of the Local Plan, and set out the ambitions and objectives for Bromley Town Centre within the adopted Local Plan vision and spatial strategy. It will set out the future role of the town centre as an Opportunity Area as defined in the 2015 London Plan and emerging Local Plan. It will address levels of growth of retail, office and residential floorspace, while contributing to an enhancement of the character of the town centre. It will revisit and update site allocations within the town centre, and specific policies to aid the development management process.	
GEOGRAPHICAL COVERAGE	Bromley Town Centre	
Responsibility for Production	Lead	Planning Strategy Team
	Resources	Planning Strategy Team with input from other services as required
	Stakeholder & Community Involvement	Consultation and engagement in line with the SCI
KEY MILESTONES	<ul style="list-style-type: none"> <li>• Commence review of the BTCAAP.</li> <li>• Issues and Options report</li> </ul>	<p>Early 2017</p> <p>Spring/Summer 2017</p>
REVIEW	The document will be monitored on an annual basis through the Authority Monitoring Reports.	

## Risk Assessment

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

**Table 4 - Risk Assessment**

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

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

site assessment work or changes in national/regional policy or guidance to ensure that Draft Plan is 'sound'.	in market conditions for instance may mean the Council has to undertake new/additional research or evidence.	
Demand on staff and other resources to inform the preparation of a new London Plan and advance Bromley's position or update the Local Plan and supporting documents in light of the London Plan review.	<b>High</b> The GLA have started preparing evidence for a new London Plan, and are requiring information and contributions from Boroughs.	<ul style="list-style-type: none"> <li>• Early and ongoing discussions with the GLA</li> <li>• Scheduling local evidence gathering and research where possible use london wide data and GLA resources where possible</li> </ul>

### Local Plan Evidence Base

5.1 Local Development Documents are required to be underpinned by up to date evidence. The Council has undertaken, and where necessary commissioned research to support the preparation of the plan and this is available via the 'bromley.gov.uk' website. However, the Council has an obligation to keep its' evidence up to date and to undertake new studies as necessary and review existing evidence in a timely manner. The GLA is commencing the preparation of a new London Plan, and officers will seek to draw on london evidence where possible, and ensure local evidence is used to state and advance the Borough's position within any new London Plan.

5.2 Further work being undertaken/required includes:

**Table 5 - Further Evidence Work**

Evidence Area	Current Position	Resources	Timescale
Update to Strategic Flood Risk Assessment	Last Study 2008, Scope of work being prepared	Allocated from Lead Flood Risk Authority funding and staff resources within Planning Strategy	March- May
Open Space Audit Review	Work started	Existing Planning Strategy Budget	Complete January 2016
Further work assessing site constraints potential at the proposed Biggin	Work underway	Existing Planning Strategy Budget	Complete October 2015

Hill Strategic Outer London Development Centre			
Review and update of Employment Land Supply	Complete	Staff resources and Existing Planning Budget	September 2015
Review of retail parades	Started	Staff resources	December 15 – February 2016
Review of Housing Land Availability, as part of the Site Assessment Work	GLA SHLAA 2014 provides the basis of the more detailed borough level work.	Staff resources	Autumn 2015
Waste Technical Paper	Update to demonstrate how requirements can be met	Staff resources	January 2016
Site Allocations	Review of housing, primary and secondary school forecasting to identify provision required,	Staff resources	Autumn 2015 for the Draft Site Allocations
Review of retail demand and supply, offices and other town centre uses.		Staff resources and Existing Planning Budget	2016/17
Local Plan, Affordable Housing and Community Infrastructure Viability Assessment	Commissioned early 2015	Staff resources and Existing Planning Budget	Ongoing to support Local Plan and CIL through to Examination.

### Duty to Co-operate

6.1 The Duty to Co-operate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis.

6.2 The strategic priorities the Government expects joint working includes where appropriate:

- The homes and jobs needed in the area;
- The provision of retail, leisure and other commercial development



- The provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk, and coastal change management, and the provision of mineral and energy (including heat);
  - The provision of health, security, community and cultural infrastructure and other local facilities,; and
  - Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.)
- 6.3 The Duty to Co-operate covers a number of public bodies in addition to councils. These bodies are set out in Part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and comprise:
- Environment Agency
  - Historic Buildings and Monuments Commission for England (English Heritage)
  - Natural England
  - Mayor of London
  - Civil Aviation Authority
  - Homes and Community Agency
  - Clinical Commissioning Groups
  - National Health Service Commissioning Board
  - Office of the Rail Regulator
  - Highways Agency
  - Transport for London
  - Integrated Transport Authorities
  - Highway Authorities
  - Marine Management Organizations
- 6.4 These bodies are required to co-operate with councils on issues of common concern to developing sound local plans. Local Enterprise Partnerships and Local Nature Partnerships are not covered by the Duty but local planning authorities have to co-operate with LEPs and LNPs having regard to their activities as they relate to Local Plans.
- 6.5 The Council has, and continues to undertake a range of work to ensure the Duty to Co-operate is met. This includes one to one meetings with neighbouring authorities on specific issues, and specific stages in the preparation of respective development plan documents, meeting with groups of authorities, for instance South East London boroughs, boroughs adjoining Crystal Palace, participating in London wide initiatives and Bromley's non-London neighbouring authorities,. These include adjoining parishes, Dartford, Sevenoaks and Tandridge Councils, and Kent and Surrey County Councils.
- 6.6 Specific work is undertaken on a cross borough basis, for instance, the joint Strategic Housing Market Assessment undertaken jointly with Bexley, Southwark, Greenwich and Lewisham, as the five boroughs that make up the established South East London Housing Market Area. Working with authorities and other partners through Biggin Hill Consultative Committee and the Locate Initiative are also examples of the Duty to Co-operate.

## Appendix 2

### 'Saved' policies from the 2006 UDP

#### **Housing policies**

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

#### **Transport policies**

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

#### **Conservation and the Built Environment**

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

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

**The Natural Environment**

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

**Green Belt and Open Space**

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

**Recreation, Leisure and Tourism**

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

**Business and Regeneration**

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

**Town Centres and Shopping**

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

**Biggin Hill**

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

**Community Services**

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

**Environmental Resources**

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

**Implementation**

- IMP1 Planning Obligations

# Annexe 1

## Revised Provisional Timetable for the Preparation of the Local Plan and Community Infrastructure Levy

	2015						2016						2017																		
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Borough-wide local plan including spatial, strategic, and detailed development policies and site allocations			Sites Consultation					LG Space Consultation			Formal pre-submission consultation 'Draft Local Plan				S				A												
Review of Bromley Town Centre Area Action Plan																			Commence review of BTCAAP						Issues & options consultation					Consultation. Preferred Strategy & Sites	
Bromley Preparation of Community Infrastructure Changing Schedule										Preliminary Draft Charging Schedule						Draft Charging Schedule			S		A										
SPD Planning Obligations & Affordable Housing																Draft SPD Consultation					A										

Consultation

Notes

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

'A' refers to Adoption by the Council.

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Report No.  
DRR15/114.

London Borough of Bromley

PART ONE - PUBLIC

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

**Date:**                    **10 December 2015**

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

**Title:**                    **DELEGATED ENFORCEMENT ACTION (JULY TO SEPTEMBER 2015)**

**Contact Officer:**        John Stephenson, Planning Investigation Officer  
Tel: 0208 313 4687    E-mail: John.Stephenson@bromley.gov.uk

**Chief Officer:**        Chief Planner

**Ward:**                    (All Wards);

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1.    Reason for report

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

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2.    **RECOMMENDATION(S)**

**Members to note the report.**

### Corporate Policy

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

### Financial

1. Cost of proposal: Not Applicable:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Planning – Appeals and Enforcement Section
  4. Total current budget for this head: ££385k
  5. Source of funding: Existing revenue budget 2014/15
- 

### Staff

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

### Legal

1. Legal Requirement: Town and Country Planning Acts
  2. Call-in: Not Applicable:
- 

### Customer Impact

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

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
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<sup>st</sup> July 2015 to 30<sup>th</sup> September 2015 in respect of development undertaken without the benefit of planning permission at the following sites:-

ENF Ref	Complaint	Site	Ward	Recommendation	Decision date
15/00168	Unauthorised internally illuminated fascia sign, internally illuminated projecting sign and one free standing, internally illuminated totem sign on the forecourt	487 Upper Elmers End Road, Beckenham	KELSEY AND EDEN PARK	Advertisement proceedings	01.07.15
15/00129	Unauthorised dwelling/mobile home	Knockholt Farm, New Years Lane, Knockholt, TN14 7PQ	CHELSEFIELD AND PRATTS BOTTOM	PCN	02.07.15
15/00147	Unauthorised structure in the front garden of the dwelling house	St Heliers, Berrys Hill, Berrys Green, Westerham	DARWIN	PCN	02.07.15
15/00335	Unauthorised roof alterations, including installation of front and rear dormers	37 Rusland Avenue, Orpington	FARNBOROUGH AND CROFTON	Enforcement Notice	06.07.15
15/00346	Unauthorised change of use to a sex establishment	46 Lynwood Grove, Orpington	PETTS WOOD AND KNOLL	PCN	28.07.15
14/00185	Single storey double garage with concrete base and hardstanding	Elmfield Lodge, Rookery Lane, Bromley	BROMLEY COMMON AND KESTON	Enforcement Notice	29.07.15

14/00366	Untidy Site	73 Aylesford Avenue, Beckenham	KELSEY AND EDEN PARK	S215 Untidy Site Notice	29.07.15
15/00277	Unauthorised advertisement	37 High Street, Green Street Green	CHELSEFIELD AND PRATTS BOTTOM	Advertisement Proceedings	29.07.15
15/00361	Alleged rear extension built higher than approved plans	57 Broxbourne Road, Orpington	PETTS WOOD AND KNOLL	Enforcement Notice	28.08.15
13/00583	Single storey rear extension	19 Somerden Road, Orpington	CRAY VALLEY EAST	Enforcement Notice	28.08.15
14/00069	Unauthorised operational development and unauthorised advertisements	1A Sanderstead Road, Orpington	CRAY VALLEY EAST	Prosecution	07.09.15
15/00204	Unauthorised detached outbuilding	128 Blackbrook Lane, Bickley	BICKLEY	Enforcement Notice	11.09.15
15/00345	Outbuildings rear of children's nursery	23 Genoa Road, Penge, SE20 8ES	PENGE AND CATOR	Enforcement Notice	11.09.15

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

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

Document is Restricted

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