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DATE: 13 June 2018

To: Members of the
DEVELOPMENT CONTROL COMMITTEE

Councillor Alexa Michael (Chairman)

Councillor Kira Gabbert (Vice-Chairman)

Councillors Yvonne Bear, Katy Boughey, Mark Brock, Peter Dean, Nicky Dykes, Simon Fawthrop, Will Harmer, Colin Hitchins, Charles Joel, Kate Lymer, Richard Scoates, Michael Turner, Vanessa Allen, Kevin Brooks and Melanie Stevens

A meeting of the Development Control Committee will be held at Bromley Civic Centre on **THURSDAY 21 JUNE 2018 AT 7.00 PM**

**PLEASE NOTE NEW
START TIME**

MARK BOWEN
Director of Corporate Services

Public speaking on planning application reports is a feature at meetings of the Development Control Committee and Plans Sub-Committees. It is also possible for the public to speak on Contravention Reports and Tree Preservation Orders at Plans Sub-Committees. Members of the public wishing to speak will need to have already written to the Council expressing their view on the particular matter and have indicated their wish to do so to Democratic Services **by no later than 10.00 a.m.** on the working day before the date of the meeting.

The inclusion of public contributions, and their conduct, will be at the discretion of the Chairman. Such contributions will normally be limited to two speakers per proposal, one for and one against, each with three minutes to put their point across.

For further details, please telephone **020 8313 4745**.

A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 13 MARCH AND 16 MAY 2018 (Pages 1 - 18)**
- 4 **QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

In accordance with the Council's Constitution, questions to this Committee must be received in writing 4 working days before the date of the meeting. Therefore please ensure questions are received by the Democratic Services Team by 5pm on Friday 15 June 2018.

- 5 **PLANNING APPLICATION 17/05084/FULL1 - LAND ADJACENT TO BROMLEY COLLEGE, LONDON ROAD, BROMLEY (BROMLEY TOWN WARD)**
(Report to follow)
- 6 **PLANNING APPEALS MONITORING REPORT: APRIL 2017 TO MARCH 2018**
(Pages 19 - 22)
- 7 **PLANNING ENFORCEMENT PROGRESS AND MONITORING REPORT**
(Pages 23 - 26)
- 8 **ENFORCEMENT MONITORING REPORT (APRIL 2017 TO MARCH 2018)** (Pages 27 - 30)
- 9 **DELEGATED ENFORCEMENT ACTION - JANUARY 2018 TO APRIL 2018**
(Pages 31 - 36)
- 10 **DESIGNING OUT CRIME PRESENTATION**
- 11 **LOCAL LIST OF VALIDATION REQUIREMENTS FOR PLANNING APPLICATIONS**
(Pages 37 - 78)
- 12 **LB BROMLEY LOCAL INTERMEDIATE HOUSING INCOME THRESHOLD REVIEW**
(Pages 79 - 90)
- 13 **BROMLEY COUNCIL RESPONSE TO THE DRAFT LONDON PLAN**
(Pages 91 - 108)
- 14 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000**

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

Items of Business

Schedule 12A Description

- 15 **PLANNING ENFORCEMENT PROGRESS AND MONITORING REPORT - PART 2**
(Pages 109 - 144)

Information relating to any individual and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 13 March 2018

Present:

Councillor Peter Dean (Chairman)
Councillor Richard Scoates (Vice-Chairman)
Councillors Vanessa Allen, Douglas Auld, Eric Bosshard,
Katy Boughey, Lydia Buttinger, Simon Fawthrop, Ellie Harmer,
David Livett, Kate Lymer, Russell Mellor, Alexa Michael,
Neil Reddin FCCA, Michael Turner and Angela Wilkins

Also Present:

Councillors Nicholas Bennett J.P.

55 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Kevin Brooks and Nicky Dykes; Councillors Angela Wilkins and Ellie Harmer attended as their respective substitutes.

An apology for absence was also received from Councillor Charles Joel.

56 DECLARATIONS OF INTEREST

No declarations of interest were received.

57 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 25 JANUARY 2018

The Legal Representative reported comments received from Councillor Dykes' which stated she could not comfortably agree the Minutes as a true reflection on the meeting.

Councillor Dykes had received no satisfactory explanation as to why a refusal notice was issued when no vote had been taken. Whilst she understood the Council's position in that refusal was inferred with the Committee not ratifying the decision, she questioned whether that was acceptable for such an important application.

There was a significant difference between "ratifying a motion to approve planning consent" and deciding retrospectively that in not ratifying the motion, it was refused.

Members were then advised that the decision made by the Committee on 25 January 2018 took immediate effect. The Minutes were simply a record of

what had already taken place. The discussion was recorded by the Council, the Minute taker had listened very carefully to that recording and the Minutes set out what was said together with the terms of the resolutions. By law and the Council's Constitution, Minutes were submitted to the next meeting of the Committee for confirmation. The Council's Constitution was clear in that the Rules of Procedure (Regulation 16) set out that the Mayor (or Chairman in this case) would sign the Minutes of the proceedings at the next suitable meeting. The Chairman would move that the Minutes of the previous meeting be signed as a correct record. The only part of the Minutes that could be discussed was their accuracy.

The Legal Representative was aware of the complaint about the subsequent decision to issue a decision notice however, that was a complaint not about the accuracy of the Minutes but about actions taken subsequent to the meeting and was not an item on the agenda for discussion at this meeting. It would be very wrong to confuse the two. It was important that Members either agreed the Minutes or, if they believed the Minutes did not reflect their statements or the terms of the resolution, then a discussion could take place. However, it was not an item to raise new matters that were not before the original Committee and set out in the Minutes as a record of their decision. On that basis the Chairman was requested to put the Minutes to the meeting.

Whilst Councillor Bennett did not dispute the accuracy of the Minutes, he asked why the Council had issued a refusal notice following the previous meeting held on 25 January 2018 during which the only resolution made was not to ratify Members' previous decision. It was agreed that a written response would be sent to Councillor Bennett.

Councillor Wilkins sought clarification on the Legal Representative's statement that decisions 'took immediate effect' given that the Committee's previous decision taken in October did not do so. Whilst she accepted the Minutes were, overall, an accurate record, she wished to make one minor change and also requested that scope be made for discussion under 'matters arising' as discussion was required on the serious issues that had been raised.

Councillor Wilkins was informed that the resolution made in October was subject to call-in by the Mayor of London and the Secretary of State. It was also subject to a Section 106 Agreement which, although virtually finalised, was not completed before receipt of the Planning Inspector's decision.

The Chairman confirmed that the issues above would not be discussed at this meeting as 'matters arising' was not an item on the current agenda.

Councillor Wilkins stated that the vote taken at the last meeting was 'not to ratify' the Committee's previous decision. Following the motion which was carried, the recording clearly captured the officer suggesting reasons for refusal as set out on page 94 of the October agenda. The Minute therefore should clearly set out that the reasons for refusal were discussed after the vote was taken. In this regard, Councillor Wilkins proposed that the final line

of the resolution in the Minutes be amended to read:- 'The Chief Planner's representative **then** suggested a reason for refusal of the application which would be as set out in the previous agenda set out on page 94 of the report, which was accepted.' Members and officers agreed to the amendment.

Councillor Wilkins also questioned why, following the vote taken by Members not to ratify the previous decision', discussion suddenly turned to officers suggesting reasons for refusal. The Legal Representative agreed to respond to this in writing.

Councillor Bennett then asked why no provision was made on the agenda for matters arising and matters outstanding from previous meetings. It was agreed that written response would be sent to Councillor Bennett.

RESOLVED that subject to the minor amendment proposed by Councillor Wilkins, the Minutes of the meeting held on 25 January 2018 be confirmed and signed as a correct record.

58 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Two written questions were received from Mr Colin Willetts, Secretary of Longbury Residents' Association. These questions, together with the Chairman's responses are set out below:-

Question 1

Could the Chairman tell us of all planning applications (to include dates/outcomes inc. updates) by Persimmon Homes to develop the frontage plot of land in Grays Farm Road (adjacent entrance to Stilwell Close)?

Chairman's Response

No planning applications were submitted by Persimmon Homes to develop the frontage plot of land in Grays Farm Road, adjacent entrance to Stilwell Close.

There has been one planning application for the site (16/05004/FULL1) submitted by Thomas Aston Homes Ltd for "Erection of 8 three bedroom terraced houses with 14 car parking spaces, cycle parking and refuse stores." That application was granted planning permission on 18 April 2017.

Question 2

Could the Council contact them to remove Herras fencing and replace with upgrade hoarding as the site now looks like a levelled bomb site 'eyesore'?

Chairman's Response

The heras fencing at the site is considered to be permitted development as it is a temporary hoarding around the site and as such, it would not be expedient for the Council's Planning Enforcement team to take any further action in this instance.

This is a current development site with a planning permission in place DC16/05004/FULL1.

Arrangements could be made for an investigation to take place to ascertain whether the current condition of the land adversely affects the amenity of the area and whether it would warrant any action under Section 215 of the Town and Country Planning Act 1990 as amended. However, this is a discretionary power and a decision will be made as to whether a notice under these provisions would be appropriate in this particular case.

59 PLANNING APPLICATION 17/04478/FULL1 - FLAMINGO PARK CLUB, SIDCUP BY PASS ROAD, CHISLEHURST BR7 6HL

Description of application – Demolition of existing nightclub building and other buildings and structures and removal of existing hardstanding and construction of new football ground comprising clubhouse and stands (max height approx. 8.4m) with floodlit artificial playing pitch, external grass sports pitches and 42 no. dwellings (26x3 bed two storey terraced dwellings, 12x2 bed flats and 4x1 bed flats set within 4 two storey blocks) with associated access, parking and landscaping.

Members were informed that further representations in support of the application had been received which raised no new points from those set out in the officer's report.

Since publication of the report, an amended Energy Assessment had been submitted which officers considered acceptable. The carbon off-setting sum had been agreed with the applicant and as such, Members were advised that the third ground for refusal in the report no longer formed part of the officer recommendation.

Amended floorplans had also been received which indicated a wheelchair housing unit in line with relevant Building Control Standards. The floorplans were considered acceptable and should permission be granted, it was recommended that a condition be added to require detailed floorplans to be agreed prior to the start of the above groundworks.

Oral representations in support of the application were received from Mr Gary Hillman, Chairman of Cray Wanderers Football Club.

Mr Hillman explained that Cray Wanderers was the second oldest football club in the world and one of the Borough's oldest sporting clubs whose future depended on finding a new 'home'. The application was supported by local

community groups and residents' associations. All concerns raised by the Mayor of London and Members when the scheme was previously considered in 2016 had been addressed. During the past 10 years over 2,000 letters of support had been received including 570 for this particular scheme. The application included previously developed land and the four storey nightclub building. The height of the residential buildings and the clubhouse had both been reduced to two storeys. The more traditional design was also considered to be an improvement. The openness of the Green Belt had increased and the square footage of the residential and leisure elements had decreased. The nightclub building would be removed. The scheme provided 100% affordable (largely shared) ownership properties, a large football pitch, trees and planting to screen the housing from the football ground and an improved youth and community offering.

The new scheme substantially improved the development's overall viability and Planning Officers had accepted the amended energy strategy assessment. Overall, there was a much more robust case in planning terms to enable Members to again decide (as in 2016) that very special circumstances had been proven. This was a unique scheme that would turn an eyesore into a community asset. Twenty alternative sites had been explored in the last decade but this was the only viable option for the Club. Should the application be refused, Flamingo Park would continue to deteriorate and remain unavailable to the community for its original sporting use.

In response to Member questions, Mr Hillman confirmed that access to the front of the development had been removed. Councillor Boughey was concerned that the access located at the bottom end of the site did not particularly lead anywhere except onto a muddy footpath about 25 minutes' walk from the local bus stop and small alleyways such as this were always a concern to Crime Officers. In this regard, she requested that the entrance to the footpath be removed and retained at the front of the site. Mr Hillman agreed that this would be acceptable as a planning condition.

With regard to the housing element being situated at the furthest end from the main road, Mr Hillman explained that whilst various layouts had been considered, positioning the housing elsewhere would lead to the loss of one football pitch which, in turn, would lead to the loss of support from Sport England. The housing in its current location was hidden behind the ground and improved the openness of the Green Belt.

Referring to viability, Councillor Fawthrop asked why the housing provision was required. Mr Hill advised that at the level of football played, it would cost between £4-6m to build a stadium and land costs would also need to be paid. Overall between £6-8m was required in order to build the stadium. The 3G pitch alone would cost £500,000. He confirmed that the maximum support obtainable from Sport England was £250,000 which would only be granted following permission of the application.

The artificial pitch would contribute to the sustainability of the club as more use would be gained from it. 3G pitches were very popular and widely used in current times.

Representations were made to the Council for the site to be removed from the Green Belt. The applicant had spent a total of 11 years in consultation with the Authority in order to find a suitable ground and this site was by far the best in terms of viability.

A minimum ground capacity for 1300 supporters was required for the level of football played.

Member discussions then took place. Ward Member and Committee Member Councillor Boughey congratulated the report writer for producing a comprehensive and extensive analysis of a planning application although she did not agree with the recommendations and conclusions. The report painted a picture of a piece of Green Belt land that was open and picturesque without any visual intrusion whilst the reality was a direct opposite. This was a large area of land which was definitely not pleasing to the eye and did not give the appearance of openness. It was dominated in the centre by a four storey former sports pavilion and numerous outbuildings. Flamingo Park was historically a sports and leisure facility for the community, providing many football pitches and a large sports pavilion but was now home to a nightclub that had lost its licence after numerous incidents of anti-social behaviour and drug taking, a scaffolding yard, a van hire company, hosts of regular car boot sales, funfairs and circuses all of which attracted large numbers of people causing anti-social behaviour and traffic issues within the local area. There was also an extensive enforcement history in relation to this site for various unauthorised operational developments and uses. Over the years enforcement action had been taken against the operators but they were akin to pop-ups – as one was removed, another took its place.

The scheme would provide Cray Wanderers Football Club with a purpose built stadium and football pitches with community and leisure facilities linked to the stadium. The mixed residential development was required for the financial viability of the scheme. As the site was situated within Green Belt land, certain criteria would need to be met to enable built development. The National Planning Policy Framework (paragraph 80) set out the purposes of the Green Belt, one of which was to assist in urban regeneration by encouraging the recycling of derelict and other urban land. Once Green Belt had been defined, local planning authorities should plan positively to enhance beneficial use such as opportunities to provide outdoor sport and leisure facilities. That would be achieved on this site through the provision of seven new football pitches all of which was a significant upgrade on the currently under-utilised playing fields.

Paragraph 89 stated that new buildings in the Green Belt were inappropriate unless very special circumstances could be demonstrated. There were a number of exceptions to the definition of inappropriate development – the provision of appropriate facilities for outdoor sports and recreation was one

and the partial or complete redevelopment of previously developed land whether redundant or in continuing use was another. Recently, the London Borough of Bromley challenged an Inspector's decision regarding development at Bromley Livery Stables. The case was lost as the Judge upheld the Inspector's conclusion that the Livery Stables and associated buildings constituted built development in the Green Belt. Therefore, as the site was considered a brownfield site, redevelopment was appropriate. The same criteria must then apply to all the buildings and hardstandings on the Flamingo Park site which should be considered a brownfield site.

If Members did not support this application, the site could be redeveloped as residential only. The brownfield area was in the centre of the site and ran parallel with the A20. The worst case scenario would be built development without any sports or recreational facilities. An opportunity to regenerate the site back to recreational sports use by Cray Wanderers Football Club and the wider community would be lost. It should be recognised that good sporting facilities more often than not were provided by collaboration between established sports clubs run by people not only with a real interest in the game but also able to provide the finance to facilitate the building and the development of them. The Kent County Cricket Ground in Beckenham and Bromley Football Club were good examples of this. Both schemes were only possible because of the inclusion of residential housing and community leisure uses. The Chislehurst Society supported the application in principle, Sport England raised no objections to the proposal and the Football Association expressed support for the development. There were no objections from the Council's conservation officers nor from highways or the tree officer. Mention had been made about noise and lighting but it must be remembered that currently the site was a football ground and could be used for that purpose at any time without the need for planning permission. A similar application was previously approved by the Committee and the amended plan was an improvement on that whilst providing an additional 14 affordable housing units. The 3 bed homes and 16 flats are all to be affordable, a mixture of rented and shared ownership – the type of tenure desperately needed. One concern raised which was the entrance to the footpath had been resolved by way of condition. There were important issues which needed to be addressed i.e. materials to be used, planting, screening, drainage and parking provision which could all be covered by the addition of planning conditions. The scheme would bring a much abused derelict piece of land back into sports use for the wider community plus much needed affordable housing.

Councillor Boughey moved that permission be granted subject to conditions to cover the different aspects as previously mentioned.

Ward Member and Committee Member Councillor Bosshard agreed that the land was a brownfield site in desperate need of regeneration. If the Council were to do this, it would cost approximately £500k, so the application should be seen as a means of regenerating this piece of land. The height of the buildings had been reduced, the pitch had been turned around and there was less encroachment on the land. Enabling residential homes to be built was a

matter of course so the development could be paid for – a small price to pay. He supported the application and seconded the motion for permission. It was better to have a guardian who would look after the site for the community at large. He suggested a condition be added that the Football Club would be responsible for looking after the other pitches.

The Chairman supported the current application and agreed it was an improvement on the previous application. It did comply with Green Belt policy because there were very special circumstances. This was a very similar application to that submitted by the Kent County Cricket Club and the Chairman was delighted at the inclusion of the affordable housing element in the scheme.

Whilst Councillor Buttinger agreed that very special circumstances had been met, she pointed out that there was a very high bar in terms of the volume of housing on the site. She advised Members not to put too much weight on the belief that the site was poor quality Green Belt land as there had been instances in the past where developers had deliberately let the land deteriorate which was not a good enough reason to allow development to take place. As Green Belt designated land, Members should automatically view it as high quality land. However, because of the desperate need for outdoor play facilities for young people and to support the high end calibre of the sporting youth, this was a very important element which met the very special circumstances requirement.

With reference to the high likelihood of bat activity and use, Councillor Buttinger requested a condition be added to ensure bat boxes were installed on trees around the perimeter of the site. A further condition should also be included to ensure that green spaces around the periphery were left fallow or cut less frequently in order to promote biodiversity.

Councillor Reddin agreed that the principles of Green Belt land should not be put aside because the site was untidy and illegal activity had taken place on the land. Were the Committee to refuse the application Members would want officers to take enforcement action and issue untidy site notices as appropriate. However, this was a vulnerable site and this thoughtful development with limited building in terms of the overall area, would help to secure the majority of the Green Belt site. It was not always possible to build housing in close proximity to transport hubs and the buyers would take that into account themselves. He therefore supported permission of the application.

Councillor Fawthrop considered the scheme would be an over-development of the site which did not enhance the Green Belt as much as it should. The scheme would benefit from moving the housing element to the other end of the site and establishing a car park in its place. One of the reasons the costs may have escalated could be due to the fact the utilities would need to be installed at the furthest end of the site. Councillor Fawthrop could not, therefore support the application.

Councillor Turner supported the current proposals and reminded Members that the previous scheme had been permitted by Committee but was overturned by the Mayor of London. The current application was an improvement on that scheme. As the second oldest football club in the world, people in the Borough should be proud and the Committee should do all they could to keep them in the Borough and make life easier for the Club.

Councillor Scoates believed that such a large plot of land should be removed from the Green Belt before consideration of the application took place. The clearance of unauthorised development from the site did not amount to very special circumstances especially when it was replaced by overdevelopment - this would send the wrong message to landowners across the Borough about what the Green Belt meant. The way to clear the site was simply for unauthorised development to be removed. He considered the housing element to be inappropriate and no special circumstances existed to grant the application. He therefore, proposed refusal of the application.

Councillor Mellor referred to the officer recommendation for refusal which had been made following close study of the application and in accordance with the Local Plan, saved policies of the UDP and all other policies detailed in ground 1 for refusal. However, permission for a limited sports development had been granted in his own ward which had proved extremely successful. On balance, whilst it was a principle of the Green Belt, he accepted that there may be special circumstances in this case. He was concerned with the London Borough of Bromley's objections on the grounds of transport and car parking and should the application be granted, these could be subject to conditions to ensure they are fully satisfied. The ground had degenerated into an appalling level of illegal use, container storage and odd car park transactions which, unfortunately, was due to a lack of enforcement by previous Councils. This was not an individual criticism of an officer or department but the Council as a whole which had failed residents by not preserving the site. Councillor Mellor supported refusal of the previous application but on balance was minded to accept this application provided it was subject to conditions which satisfied the London Borough of Bromley's objections.

Councillor Buttinger advised it was preferable to retain the rights of the Green Belt land to prevent more inappropriate development from occurring. Should the Green Belt status be removed, other developers could build houses over the entire site without any sporting facilities at all.

Councillor Michael considered the report set great store by Green Belt policy. Council Policies were made at great length and this application flew in the face of this. Very special circumstances were subjective - what may be a very special circumstance to one person, may not be to another. Whilst she fully accepted and was not against the need for sporting facilities, it was uncomfortable to go against Council Policy. In this regard, the site should be removed from the Green Belt prior to consideration of an application. Councillor Michael seconded the motion for refusal.

Councillor Livett reported that a survey carried out by the FA in 2015 showed the Crays were poorly provided with community sporting facilities. The FA had offered Kemnal Manor School £500,000 to build an all-weather pitch. Unfortunately the loss of amenity to the immediate local residents was considered to outweigh the benefits to the community and was turned down so the sporting deficiency continued. This application addressed some of those shortcomings in that it provided pitches, some of which had independently been identified as missing. The Council should plan positively for sporting facilities within the Green Belt. Sporting facilities and affordable housing were sorely needed and this proposal provided the area with both. The scheme was a great improvement on the original application and one which Councillor Livett supported.

Councillor Allen suggested a special statement be prepared going forward because in the event that permission was granted, the application would need to be submitted to the Secretary of State. The statement should emphasise the need for this scheme and highlight the current state of the site which was not pristine undeveloped Green Belt. The Chairman confirmed that this could be done.

Prior to a vote being taken to permit the application, the Chief Planner outlined that the preparations of conditions and planning obligations be delegated to officers in consultation with the Chairman. A full list of conditions would be prepared following the meeting and would include:-

- a change to the footpath;
- the installation of bat boxes;
- a phasing agreement condition (to be secured via a S106 Legal Agreement);
- affordable housing; and
- general sporting and community facilities.

Members were reminded that the benefits of the scheme had to outweigh the harm to the Green Belt. In summary Members had considered the following:-

- sporting benefits;
- the scheme provided a new suitable home for the Football Club;
- community benefits;
- provision of affordable housing;
- a lack of alternative sites for the Club;
- cessation of existing uses on previously developed land; and
- general improvements to the appearance of that part of the Green Belt.

Members having considered the report, objections and representations, RESOLVED (by a vote of 11-3), that PERMISSION be GRANTED

(SUBJECT TO ANY DIRECTION BY THE MAYOR OF LONDON and THE SECRETARY OF STATE) and SUBJECT TO THE PRIOR COMPLETION OF A SECTION 106 LEGAL AGREEMENT TO INCLUDE (BUT NOT LIMITED TO) AFFORDABLE HOUSING AND PHASING OF THE DEVELOPMENT. Members also resolved that permission be subject to conditions and heads of terms for the S106 Agreement to be finalised under powers delegated to officers in consultation with the Chairman.

60 AUTHORITY MONITORING REPORT 2016/17

Report DRR18/010

Members considered the Council's proposed Authority Monitoring Report for 2016/17 which contained key information about the planning system in the London Borough of Bromley and the extent to which the Council's planning policies were being implemented.

The AMR met the requirements of the Planning and Compulsory Purchase Act 2004 (as amended), the Localism Act 2011 and the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Chairman advised that this report was annually submitted to Committee and amongst other things, reflected progress achieved on the Authority's house building targets.

Councillor Michael referred to page 112 which stated the amount of footfall in all of the Town Centres had steadily declined between December 2016 and December 2017. She suggested this may be the result of more people shopping on line or travelling to other centres such as Lewisham. The Chief Planner confirmed that the statement was based on factual data however the precise reasons for the decline were unknown.

Referring to figure 8 on page 105 of the report, Councillor Allen noted the percentage figures for completed 1 and 2 bedroom units had been reversed in the graph's supporting text. The sentence should read:- '39% were completed as 1 bedroom units and 47% as 2 bedroom units.'

The Chief Planner confirmed to Councillor Allen that the total completion figures set out on page 104 of the report did include offices which had been converted into dwellings. In regard to Appendix 1 which set out completed Section 106 Legal Agreements, some of those had only recently been included however, information would be provided wherever possible to show monies paid or action taken as a result of those agreements. The Council's E&R PDS Committee received regular updates on this, so more detail would be provided at the Scrutiny Committee.

RESOLVED that the proposed Authority Monitoring Report for 2016/17 be agreed.

**61 BROMLEY DRAFT LOCAL PLAN EXAMINATION - APPROVAL
FOR MAIN MODIFICATIONS CONSULTATION**

Report DRR18/009

Following submission of the Council's Draft Local Plan to the Secretary of State in August 2017, a series of public Hearings were held in which representors were given the opportunity to make their concerns directly known to an independent inspector.

To address some of the issues raised at those Hearings, Members were now requested to consider some main Modifications to the Draft Local Plan and to review the classification of Minor Modifications to establish whether any of these should be considered as Main Modifications.

The Chairman explained that this was one of the final phases for the Local Plan to be accepted. The Chief Planner reported that in mid-2017, the Draft Local Plan was agreed for submission by DCC, the Executive and Full Council. It was then submitted to the Secretary of State in August 2017 for examination by the Secretary of State's Independent Inspector. Hearings were held at the Civic Centre in December 2017. Through the hearing sessions and subsequent advice received from the Inspector, further main modifications to the Plan (Appendix 1) had been identified which were needed to make the Plan sound. Appendix 2 contained modifications proposed by the Council in 2017 which the Inspector had requested be reclassified as main modifications. A six-week period of public consultation would be required on these modifications and the responses would be submitted to the Inspector. Once the Inspector's final report had been received the Council would have the option of accepting that report with its changes and modifications for soundness and adopting the final plan.

Referring to the removal of wording in relation to Tree Protection Orders on page 164, para 5.3.2, Councillor Buttinger sought clarification of Policy 43 as her understanding of the existing Plan was that if a tree was situated within a Conservation Area, it would automatically be covered by a blanket TPO. She was concerned that the protection of trees was being downgraded. The Chief Planner reported that all changes were agreed by Full Council in 2017 and nothing had altered since that time. Trees in Conservation Areas had a basic level of protection and Policy 43 set out the criteria for protecting them in the event that someone wanted to fell them.

Councillor Buttinger queried the rationale behind the removal of the words 'of native species' from Draft Policy 73 as the inclusion of 'native species and local provenance' had been included in other Policies. The Chief Planner advised that the inclusion of 'native species and local provenance' was to clarify what type of planting would be required in the event that new trees were to be planted under condition or through a planning obligation. In the case of Draft Policy 73, the words had not been totally deleted but simply been moved for inclusion in the supporting text.

Referring to the first paragraph on page 152 (Provision of Affordable Housing) which stated 'the Council will seek affordable housing on all housing developments capable of providing 11 residential units or more....' Councillor Harmer asked if the Council were proactively looking for large developments in order to provide more housing. The Chief Planner advised that Bromley's housing provision was made up of a mixture of dwelling size but tended, in the main, to consist of smaller sites. As long as the housing target for the Borough was reached and appropriate sites identified, the Council was not concerned with the size of sites.

Councillor Fawthrop asked if any feedback was forthcoming from the Inspector in regard to the introduction of a Basement Policy which was raised during Examination of the Plan. The Chief Planner advised that although nothing specific could be added to the Plan at this late stage, the objectives sought for basements could be achieved through the expansion of supplementary policies. In this case it would be advisable to prepare the document for introduction following adoption of the Draft Local Plan. Councillor Fawthrop requested (and the Chief Planner agreed) that this be undertaken.

RESOLVED that the Executive be recommended to approve the suggested Main Modifications to the Draft Local Plan for consultation.

As this was the last meeting of the Municipal Year, the Chairman thanked Members for their hard work and continued support.

The meeting ended at 8.50 pm

Chairman

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.58 pm on 16 May 2018
following the annual meeting of the Council

Present:

Councillor Alexa Michael (Chairman)
Councillor Kira Gabbert (Vice-Chairman)
Councillors Vanessa Allen, Yvonne Bear, Katy Boughey,
Mark Brock, Kevin Brooks, Peter Dean, Nicky Dykes,
Simon Fawthrop, Will Harmer, Colin Hitchins, Charles Joel,
Kate Lymer, Richard Scoates, Melanie Stevens and
Michael Turner

Also Present:

Other Members of the Council

1 PROPORTIONALITY OF SUB-COMMITTEES

RESOLVED that the proportionality of Sub-Committees be agreed as follows –

	Size	Conservative	Labour	Independent
Plans Sub-Committee No. 1	9	8	1	0
Plans Sub-Committee No. 2	9	8	1	0
Plans Sub-Committee No. 3	9	8	1	0
Plans Sub-Committee No. 4	9	8	1	0

2 MEMBERSHIP OF SUB-COMMITTEES

RESOLVED the following Schedule of Members to serve on the Sub-Committees of the Development Control Committee be agreed.

(i) PLANS SUB-COMMITTEE NO. 1

	Councillors
1	Alexa Michael (Ch)
2	Charles Joel (VC)
3	Katy Boughey
4	Mark Brock
5	Kira Gabbert
6	Tony Owen
7	Will Rowlands
8	Suraj Sharma
9	Simon Jeal (LAB)

(ii) PLANS SUB-COMMITTEE NO. 2

	Councillors
1	Peter Dean (Ch)
2	Michael Turner (VC)
3	Nicky Dykes
4	Simon Fawthrop
5	Colin Hitchins
6	Russell Mellor
7	Angela Page
8	Richard Scoates
9	Josh King (LAB)

(iii) PLANS SUB-COMMITTEE NO. 3

	Councillors
1	Katy Boughey (Ch)
2	Charles Joel (VC)
3	Robert Evans
4	William Huntington-Thresher
5	Alexa Michael
6	Tony Owen
7	Keith Onslow
8	Kieran Terry
9	Kevin Brooks (LAB)

(iv) PLANS SUB-COMMITTEE NO. 4

	Councillors
1	Richard Scoates (Ch)
2	Simon Fawthrop (VC)
3	Gareth Allatt
4	Peter Dean
5	Kate Lymer
6	Robert Mcilveen
7	Russell Mellor
8	Michael Turner
9	Marina Ahmad (LAB)

3 APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN OF SUB-COMMITTEES

RESOLVED that the following Councillors be appointed as Chairmen and Vice Chairmen of the Sub-Committees of the Development Control Committee.

Plans Sub-Committee No.1	Alexa Michael	Charles Joel
Plans Sub-Committee No. 2	Peter Dean	Michael Turner
Plans Sub-Committee No. 3	Katy Boughey	Charles Joel
Plans Sub-Committee No. 4	Richard Scoates	Simon Fawthrop

The meeting ended at 7.59 pm

Chairman

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Report No.
DRR18/024

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

**RENEWAL, RECREATION AND HOUSING POLICY
DEVELOPMENT AND SCRUTINY COMMITTEE**

Date: Thursday 21 June 2018
 Tuesday 26 June 2018

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

Title: **PLANNING APPEALS MONITORING REPORT: APRIL 2017 TO
MARCH 2018**

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

Chief Officer: Jim Kehoe, Chief Planner

Ward: (All Wards)

1. Reason for report

The report provides an update on planning appeals received and decided for the year 2017/18.

2. **RECOMMENDATION**

Members note the report

Impact on Vulnerable Adults and Children

1. Summary of Impact: none directly from this report
-

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Quality Environment Not Applicable:
-

Financial

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

Personnel

1. Number of staff (current and additional): 50.4ftes
 2. If from existing staff resources, number of staff hours: n/a
-

Legal

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

Procurement

1. Summary of Procurement Implications: none directly from this report
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

3.1 The table (1) below provides a summary of appeals activity in the period 1 April 2017 to 31 March 2018. During that time 380 appeals were lodged during the same period 329 appeal decisions were received of which 204 were dismissed, 123 were allowed and 2 were part allowed/part dismissed

3.2 The breakdown by appeal procedure for 2017/2018 compared with 2016/2017 is summarised below:

Table (1)

Appeals Lodged Procedure	Bromley 2016-2017	Bromley 2017-2018
Fast track	144 (41%)	156 (41%)
Written Representations	193 (55%)	216 (57%)
Informal Hearing	9 (3%)	3 (1%)
Local Inquiry	3 (1%)	5 (1%)
TOTAL	351	380

This represents a slight increase for Bromley in the proportion of written representation cases.

3.3 The number of appeal cases that Bromley are dealing with has increased significantly and our success rate has improved when compared to last year.

Table (2)

Appeal decisions in Bromley Borough 2017/2018*					
	Fast track	Written	Hearing	Inquiry	Total
No. of appeals allowed	64	48	1	8	121
No. of appeals dismissed	90	104	2	1	197
No. of appeals Part allowed/dismissed	1	0	0	1	2
Total appeals decided	155	152	3	10	320
% appeals allowed	41%	32%	33%	80%	38%
National comparison¹	38%	31%	44%	46%	33%

*Figures do not include Enforcement appeals

In 2017/2018, overall 38% of Planning Appeals were allowed, this is where planning permission is granted, a slight decrease when compared with 2016/2017 in which 40% were allowed.

4. FINANCIAL CONSIDERATIONS

4.1 Details of the appeal costs are included in a separate report on this agenda.

Non-Applicable Sections:	Policy, Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	N/A Planning Inspectorate Statistical Report (figures provisional) and their insert table number

¹ Source: Planning Inspectorate Statistical Report (figures provisional)

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Report No.
DRR18/032

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

**RENEWAL, RECREATION AND HOUSING POLICY
DEVELOPMENT AND SCRUTINY COMMITTEE**

Date: Thursday 21 June 2018
 Tuesday 26 June 2018

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

Title: **PLANNING ENFORCEMENT PROGRESS AND MONITORING
REPORT**

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

Chief Officer: Chief Planner

Ward: (All Wards)

1. Reason for report

This report provides an update on the progress of current cases under investigation/ pending consideration, cases which are currently at appeal, cases which are awaiting compliance period, cases where enforcement action has been instigated, cases awaiting prosecution action, enforcement action authorised, cases that are currently with our legal department awaiting further action, together with a full breakdown on the range of the current complaints.

2. **RECOMMENDATION(S)**

That a briefing /updates meeting on planning appeals and enforcement for members of Planning Committees be arranged during Autumn 2018.

Impact on Vulnerable Adults and Children

1. Summary of Impact: None directly from this report
-

Corporate Policy

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

Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A
 3. Budget head/performance centre: Planning Division
 4. Total current budget for this head: £714.2k
 5. Source of funding: Existing revenue budget 2017/18
-

Personnel

1. Number of staff (current and additional): 50.4ftes
 2. If from existing staff resources, number of staff hours: n/a
-

Legal

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

Procurement

1. Summary of Procurement Implications: None directly from this report
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

- 3.1 Since 2014 the planning enforcement investigation team have received in excess of over **3,029** complaints, the range of the complaints which are reported as part of the ongoing monitoring report give a full breakdown of the range of complaints.
- 3.2 The number of cases which have been closed after an investigation completed is **2,659** since 1 January 2014.
- 3.3 The **370** open enforcement cases which are currently under investigation or pending consideration range are attached (**Appendix 1- Part 2 report – not for publication**). Enforcement cases are dealt with in line with the Council's approved Enforcement Policy.
- 3.4 A number of enforcement cases (**15**) are currently held in abeyance pending the outcome of an appeal against the enforcement notice served or are subject to an appeal against a S78 refused decision. It should be noted that before taking formal enforcement action all enforcement cases would need to meet the expediency test/criteria as set out in national government guidance. **50** cases have resulted in planning applications as a result of an enforcement investigation/action. Progress on these cases which can include any pending formal enforcement action is often held in abeyance awaiting a decision on the application.
- 3.5 When considering taking action against Untidy Sites within the Borough formal enforcement action may require Direct Action to remedy the breach of planning control and further consideration should be given when the owner/occupier cannot carry out the works because of special circumstances. A longer time period for compliance with the notice can be agreed and given, however if compliance is unsatisfactory then direct action can be used. Direct Action will involve a cost, and as a result quotes will be obtained in order to carry out the works in default. Some of these cases will be presented to Committee with a recommendation for members to agree to authorise direct action, as this enforcement action may involve some considerable financial cost to the Council. A charge on the land can be considered by the Council in order to recover the Councils initial cost together with the appropriate interest rate charged until the bill is paid.
- 3.6 The majority of enforcement action is authorised under Delegated Authority and a list of cases where delegated enforcement action has been taken is regularly reported to Development Control Committee. In addition a monthly report of notices issued is circulated to all Members.

Range of Complaints		
Operational Development	121	33%
Untidy Sites (S215)	35	9%
Commercial Activity	8	2%
Breach of condition	32	9%
Adverts	13	4%
Boundary treatment	20	5%
Plans - not built according to	42	11%
Commercial vehicle - parking of	0	0%
Change of Use	70	19%
Access	1	0%
Shop shutters	3	1%
Satellite Dishes	0	0%
Trees	16	4%
General	9	2%
	370	

A wide range of complaints were received between 2014 and 2018 as shown in the table above. The most frequent relate to operational development 33%; breach of conditions 9%; not built in accordance with plans 11%; untidy sites 9%; change of use 19%; boundary treatment 5% and Trees 4%.

3.7 A substantial number of complaints are received which do not involve breaches of planning control which are not recorded on the planning enforcement monitoring system. These include some non-planning issues such as boundary disputes, anti-social behaviour and other civil matters which fall outside the remit of planning control.

These unregistered complaints are investigated and researched and advice given back to the complainant, via the telephone or emails. Considerable staff resources are required to maintain the service, this involves an estimated average of approximately 10 new complaints per day. As a result of this information it has been decided to register all complaints on our system.

3.8 In **10** cases where an enforcement notice has been effective and not been complied with, the Council may exercise its powers of prosecution. The Council is currently in the process of prosecuting on the following cases.

- i A property in Babbacombe Road - located in the Plaistow and Sundridge Ward.
- ii A property in Market Meadow – located in Cray Valley East Ward.
- iii A Property in Midfield Way – located in Cray Valley East Ward.
- iv Blackbrook Lane various plots - located in Bickley Ward.
- v A property in Blandford Road, Summons issued - located in Clock House Ward.
- vi A property in Manor Way – located in Kelsey and Eden Park Ward.
- vii Land Adj to Top Awards – located in Farnborough and Crofton Ward.
- viii A property in Lullingston Close - located in Cray Valley West.
- ix A property in High Street, Green Street Green -located in Chelsfield and Pratts Bottom Ward.
- x A property in Old Homesdale Road, Bromley -located Bromley Town Ward.

3.9 Proceeds of Crime Act or POCA, since successfully utilising this tool in a prosecution test case in Maple Road, located in the Penge and Cator Ward, Planning Enforcement together with Trading Standards and our Legal Services have successfully taken action, the result led to a confiscation order under the proceeds of crime legislation which was reported to members in March 2018 ARIS. The joint teams are in the process of taking further action on a number of other cases which meets the necessary criteria under POCA.

3.10 Planning Enforcement is a complaint led service. At least 95% of our cases for investigation are reported to us directly from local residents/ward councillors, members of the public or interested parties who may be directly affected by the development in some way.

Non-Applicable Sections:	Policy, Legal, Finance and Personnel Implications
Background Documents: (Access via Contact Officer)	Bromley Council Enforcement Policy

Report No.
DRR19/025

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

**RENEWAL, RECREATION AND HOUSING POLICY
DEVELOPMENT AND SCRUTINY COMMITTEE**

Date: Thursday 21 June 2018
 Tuesday 26 June 2018

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

Title: **ENFORCEMENT MONITORING REPORT
(APRIL 2017 TO MARCH 2018)**

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

Chief Officer: Jim Kehoe, Chief Planner

Ward: (All Wards);

1. Reason for report

This report provides an update of enforcement activity from 1 April 2017 to 31 March 2018

2. **RECOMMENDATION(S)**

That a briefing/ updates on planning appeals and enforcement for Members of Planning Committees be arranged during Autumn 2018

Impact on Vulnerable Adults and Children

1. Summary of Impact: none directly from this 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 Division
 4. Total current budget for this head: £714.2k
 5. Source of funding: Existing revenue budget 2017/18
-

Personnel

1. Number of staff (current and additional): 50.4ftes
 2. If from existing staff resources, number of staff hours: n/a
-

Legal

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

Procurement

1. Summary of Procurement Implications: none directly from this report
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

3.1 In the period April 2017 to March 2018 the Council registered 768 new complaints about alleged breaches of planning control. These are summarised in the table below. This compares with approximately 664 complaints registered in the previous year. There has been a significant increase in the amount of reported complaints received

Range of Complaints		
Operational Development	211	27%
Untidy Sites (S215)	76	10%
Commercial Activity	31	4%
Breach of condition	79	10%
Adverts	35	5%
Boundary treatment	42	5%
Plans - not built according to	98	13%
Commercial vehicle - parking of	2	0%
Change of Use	108	14%
Access	2	0%
Shop shutters	2	0%
Satellite Dishes	0	0%
Trees	40	5%
General	42	5%
	768	100%

3.2 In terms of enforcement activity, 79 enforcement notices were issued in respect of breach of planning control in the period April 2017 to March 2018, in other cases, negotiation led to matters being resolved before notices were issued.

Type of Notice	Number of Notices issued 2017/18
Operational Development	24
Change of Use	10
S215	32
Breach of Condition Notice	10
Planning Contravention Notice	3
Stop Notice	0
TOTAL	79

3.3 The majority of enforcement action is authorised under Delegated Authority and a list of cases where delegated enforcement action has been taken is regularly reported to Development Control Committee. In addition a monthly report of notices issued is circulated to all Members.

3.4 A wide range of complaints were received but the most frequent relate to operational development 27%, breach of conditions 10%, not built in accordance with plans 13%, untidy sites 10% and change of use 14%. A substantial number of complaints are received which do not involve breaches of planning control which are not recorded on the planning enforcement monitoring system. These include some non-planning issues such as boundary disputes, anti-social behaviour and other civil matters which fall outside the remit of planning control. These unregistered complaints are investigated and

researched and advice given back to the complainant, via the telephone or emails. This still involves considerable staff resources to maintain the service, this involves an estimated average of approximately 10 new complaints per day. As a result of this information it has been decided to register all complaints on our system so the overall amount of recorded complaints received are set to rise again in the future.

3.5 In cases where an enforcement notice has been effective and not been complied with, the Council may exercise its powers of prosecution. The Council is currently in the process of prosecuting on the following cases.

- i. A property in Babbacombe Road - located in the Plaistow and Sundridge Ward.
- ii. A property in Market Meadow – located in Cray Valley East Ward.
- iii. A Property in Midfield Way – located in Cray Valley East Ward.
- iv. Blackbrook Lane various plots - located in Bickley Ward.
- v. A property in Blandford Road, Summons issued - located in Clock House Ward.
- vi. A property in Manor Way – located in Kelsey and Eden Park Ward.
- vii. Land Adj to Top Awards – located in Farnborough and Crofton Ward.
- viii. A property in Lullingston Close - located in Cray Valley West.

3.6 In some cases which may involve direct action officers will prepare a report to present to committee for authorisation from Members as this enforcement action may involve some considerable financial cost to the Council. A charge can be considered by the Council in order to recover the Councils initial cost together with the appropriate interest rate charged until the bill is paid.

3.7 Proceeds of Crime Act or POCA, since successfully utilising this tool in a prosecution test case in Maple Road, located in the Penge and Cator Ward, Planning Enforcement together with Trading Standards and our Legal Services have successfully taken action, the result led to a confiscation order under the proceeds of crime legislation which was reported to members in March 2018. The joint teams are in the process of taking further action on a number of other cases which meets the necessary criteria under POCA.

3.8 Planning Enforcement is a complaint led service. At least 95% of our cases for investigation are reported to us directly from local residents/ward councillors, members of the public or interested parties who may be directly affected by the development in some way.

Non-Applicable Sections:	Impact on vulnerable adults and children, Policy, Personnel, Finance, Legal, Procurement
Background Documents: (Access via Contact Officer)	

Report No.
DRR18/026

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Thursday 21 June 2018

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

Title: DELEGATED ENFORCEMENT ACTION - JANUARY 2018 TO APRIL 2018

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

Chief Officer: Jim Kehoe, Chief Planner

Ward: (All Wards)

1. Reason for report

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

2. **RECOMMENDATION(S)**

Members to note this report.

Impact on Vulnerable Adults and Children

1. Summary of Impact: None directly from this 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 division
 4. Total current budget for this head: N/A
 5. Source of funding: N/A
-

Personnel

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

Legal

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

Procurement

1. Summary of Procurement Implications: n/a
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? n/a
2. Summary of Ward Councillors comments: n/a

3. COMMENTARY

- 3.1 Enforcement action and prosecutions have been authorised by the Chief Planner under Delegated Authority during the period 1 January 2018 to 30 April 2018 in respect of development undertaken without the benefit of planning permission at the sites attached at Appendix 1.
- 3.2 A total of 701 planning enforcement investigation cases were closed in the last calendar year from the 1st January 2017 through to 31st December 2017 period having reached a satisfactory conclusion.

Non-Applicable Sections:	Impact on vulnerable adults and children, Policy, Financial, Personnel, Legal, Procurement
Background Documents: (Access via Contact Officer)	

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Instructions issued Jan to April 2018

No.	ENF Ref	Site	Ward	Recommendation	Decision date
1	17/00699/CHANGE	Holmesdale Road, Bromley, BR1 2QL	Bickley	Enforcement Notice	18.01.2017
2	17/00368/MCU	Croydon, Road, SE20 7YZ	Crystal Palace	Enforcement Notice	17.01.2018
3	17/00308/UNADV	South Eden Park Road Beckenham BR3 3AU	Kelsey & Eden Park	ADV - Prosecution	23.01.2018
4	17/00558/UNTIDY	High Street, West Wickham	West Wickham	Untidy Site	23.01.2018
5	17/00438/CHANGE	Anerley Hill, SE19	Crystal Palace	PCN	23.01.2018
6	16/00641/BRCOND	Market Meadow. Orpington, BR5 3NW	Cray Valley East	Breach of condition	26.01.2018
7	18/00031CHANGE	Southey Street, Penge, London, SE20 7JD	Penge & Cator	Material change of use enforcement notice	02.02.2018
8	17/00529/OPDEV	Walsingham Road, Orpington, BR5 3BP	Cray Valley East	Enforcement Notice	06.02.2018
9	17/00540/ OPDEV	Walsingham Road, Orpington, BR5 3BP	Cray Valley East	Enforcement Notice	06.02.2018
10	17/00214/OPDEV	Salt Box Hill Biggin Hill TN16 3EE	Biggin Hill	Enforcement Notice	06.02.2018
11	16/00625/OPDEV	Chestnut Close, Orpington, BR6 6LP	Chelsfield & Pratts Bottom	Enforcement Notice	06.02.2018
12	11/00599/OPDEV	Ruskin Walk	Bromley Common & Keston	Prosecution	07.02.2018
13	18/00086/CHANGE	Sidcup by Pass Road, Chislehurst BR7 6HL	Chislehurst	Enforcement Notice	14.02.2018
14	18/00086/CHANGE	Sidcup by Pass Road, Chislehurst BR7 6HL	Chislehurst	Enforcement Notice	15.02.2018
15	17/00396/UNTIDY	Blackbrook Lane	Bickley	Untidy Site Notice	15.02.2018
16	17/00583/UNTIDY	Blackbrook Lane	Bickley	Untidy Site Notice	15.02.2018
17	17/00584/UNTIDY	Blackbrook Lane	Bickley	Untidy Site Notice	15.02.2018
18	17/00585/UNTIDY	Blackbrook Lane	Bickley	Untidy Site Notice	15.02.2018
19	17/00588/UNTIDY	Blackbrook Lane	Bickley	Untidy Site Notice	15.02.2018
20	17/00589/UNTIDY	Blackbrook Lane	Bickley	Untidy Site Notice	15.02.2018
21	17/00590/UNTIDY	Blackbrook Lane	Bickley	Untidy Site Notice	15.02.2018
22	17/00591/UNTIDY	Blackbrook Lane	Bickley	Untidy Site Notice	15.02.2018
23	17/00592/UNTIDY	Blackbrook Lane	Bickley	Untidy Site Notice	15.02.2018
24	17/00593/UNTIDY	Blackbrook Lane	Bickley	Untidy Site Notice	15.02.2018
25	17/00594/UNTIDY	Blackbrook Lane	Bickley	Untidy Site Notice	15.02.2018
26	17/00595/UNTIDY	Blackbrook Lane	Bickley	Untidy Site Notice	15.02.2018
27	17/00596/UNTIDY	Blackbrook Lane	Bickley	Untidy Site Notice	15.02.2018
28	17/00597/UNTIDY	Blackbrook Lane	Bickley	Untidy Site Notice	15.02.2018
29	17/00598/UNTIDY	Blackbrook Lane	Bickley	Untidy Site Notice	15.02.2018
30	17/00599/UNTIDY	Blackbrook Lane	Bickley	Untidy Site Notice	15.02.2018
31	18/00033/UNTIDY	Blackbrook Lane	Bickley	Untidy Site Notice	15.02.2018
32	18/00034/UNTIDY	Blackbrook Lane	Bickley	Untidy Site Notice	15.02.2018
33	18/00035/UNTIDY	Blackbrook Lane	Bickley	Untidy Site Notice	15.02.2018
34	18/00038/UNTIDY	Blackbrook Lane	Bickley	Untidy Site Notice	15.02.2018
35	17/00360/BOUND	Bucks Cross Road	Chelsfield & Pratts Bottom	Enforcement Notice	16.02.2018
36	17/00755/BOUND	Towncourt Crescent	Petts wood & Knoll	Notice	22.02.2018

37	16/00069/OPDEV	Elmers End Road	Clock House	Notice	20.02.2018
38	16/00263/UNTIDY	Crowhurst Way	Cray Valley East	S215	09.03.2018
39	16/00316/OPDEV	Mere Close, Orpington, BR6 8ES	Farnborough & Crofton	PCN	13.03.2018
40	16/00587/UNTIDY	Melody Road Biggin Hill	Biggin Hill	S215	04.03.2018
41	17/00252/UNTIDY	Crescent Road, Bromley, BR1 3PW	Plaistow & Sundrige	S215	12.03.2018
42	16/00295/UNTIDY	Land at Jewels Hill Biggin Hill	Darwin	S215	06.03.2018
43	17/00272/UNTIDY	Croydon Road, Beckenham	Clock House	Prosecution	08.03.2018
44	17/00197/OPDEV	Manor Way, Beckenham	Kelsey & Eden Park	Prosecution	08.03.2018
45	17/00533/UNTIDY	Lullingstone Close, Orpington	Cray Valley East	Prosecution	15.03.2018
46	17/00525/UNTIDY	Bladford Road, Beckenham	Clock House	Prosecution	15.03.2018
47	09/00172/PLANS	Midfield Way, Orpington	Cray Valley East	Prosecution	15.03.2018
48	18/00134/UNTIDY	Walden Road, Chislehurst BR7 5DL	Chislehurst	Enforcement Notice	16.03.2018
49	17/00190/OPDEV	High Street, Green Street Green, Orpington	Chelsfield & Pratts Bottom	Enforcement Notice	15.03.2018
50	17/00739/OPDEV	Hillbrow Road, Bromley, BR1 4JL	Bromley Town	Enforcement Notice	16.03.2018
51	17/00033/BRCOND	Glebe Way West Wickham	West Wickham	Enforcement Notice	19/03/2018
52	15/00589/OPDEV	Kent House Road, Beckenh	Penge & Cator	Enforcement Notice	19/03/2018
53	17/00521/BRCOND	Wickham Way, Beckenham	Shortlands	Enforcement Notice - Op De	27/03/2018
54	16/00620/CHANGE	Perry Hall Road, Chislehurs	Chislehurst	Material change of use enforcement notice	23/03/2018
55	17/00266/OPDEV	Chislehurst Road, Orpington, Kent, BR5 1NR	Cray Valley East	OPDEV Enforcement Notice	23/03/2018
56	18/00192/BRCOND	Upper Elmers End Road, Beckenham, BR3 3QY	Kelsey	Breach of Condition	05/04/2018
57	17/00157/OPDEV	Petts wood Road, Petts wood, Orpington, BR5 1LG	Petts wood and Knoll	Enforcement Notice	05/04/2018
58	17/00468/OPDEV	Hayes wood Avenue Hayes	Hayes & Coney Hall	Enforcement Notice	05/04/2018
59	17/00598/UNTIDY	Land east side of Blackbro	Bickley	Prosecution	17/04/2018
60	17/00583/UNTIDY, 17/00588/UNTIDY, 17/00589/UNTIDY, 17/00590/UNTIDY, 17/00592/UNTIDY	Land east side of Blackbro	Bickley	Prosecution	17/04/2018
61	17/00230/CHANGE	Kedleston Drive, Orpington	Cray Valley West	Enforcement Notice	18/04/2018
62	17/00419/CHANGE	Oak Tree Gardens, Bromley	Plaistow and Sundridge	PCN	18/04/2018
63	17/00608/OPDEV	Midfield Way, Orpington, B	Cray Valley West	Enforcement Notice	18/04/2018
64	16/00358/CHANGE	Ravenswood Avenue, West Wickham, BR4 0PN	Material change of use Enforcement Notice to cease the use	Enforcement Notice	24/04/2018

Report No.
DRR18/027

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Thursday 21st June 2018

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

Title: LOCAL LIST OF VALIDATION REQUIREMENTS FOR PLANNING APPLICATIONS

Contact Officer: Gemma Usher, Deputy Development Control Manager
E-mail: gemma.usher@bromley.gov.uk

Chief Officer: Chief Planner

Ward: (All Wards);

1. Reason for report

National Government Guidance requires Local Planning Authorities to undertake a regular review of their validation requirements for planning applications. It is necessary to ensure that the list remains fit for purpose in the context of changes to National Legislation and Development Plan Policies.

The document sets out the level of information required by the local planning authority to support a planning application. The document is intended to explain clearly what plans and documents are required as part of a planning application to ensure that the council can make transparent, well informed and robust decisions on planning applications in the public interest

The intention is to clearly define the minimum amount of information required for proper assessment of an application. Requirements are not intended to be onerous and information will only be requested when it is necessary to enable full and proper assessment of a proposal.

The document is divided into two sections:

1. National and standard requirements for all application types (including householder applications)
2. Technical supporting statements/documents required for more complex applications (could be requested for householder applications if required, this will be determined on a case by case basis)

National requirements are set by government and are consistent across all local planning authorities in England. These are set out on the Planning Portal. The local requirements must be prepared by each local planning authority and should be tailored to reflect the material planning considerations that are relevant for that area.

Planning legislation requires that the local planning authority must review its local list every two years. As part of that process the council is required to consult on a draft local list and then formally publish the document having taken any representations into consideration. A copy of the final local list must be made available on our website and the list must be subsequently reviewed every two years.

A formal four week consultation period has been undertaken from 24.04.2018 until 18.05.2018. This comprised a consultation page on the Council's website. An email was sent to regular agents to advise them of the consultation and details were also provided on decision notices during that period.

The consultation page is still available on the website so any comments received after publication of this agenda will be reported verbally to the committee.

One representation was received but this did not relate to a local list matter.

This report sets out the updated requirements and seeks Members' agreement to the updated document.

2. RECOMMENDATION

Formally adopt the revised Local List of Validation Requirements.

Corporate Policy

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

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Planning and Renewal
-

Staff

N/A

Legal

1. Legal Requirement: Statutory Requirement: Article 10 of the Town and Country Planning (Development Management Procedure) Order 2015
 2. Call-in: Not Applicable:
-

Customer Impact

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

Ward Councillor Views

1. Public consultation undertaken.
2. Summary of Ward Councillors comments: None received

3. COMMENTARY

On 13 July 2015 Members of the Development Control Committee agreed to adopt the Council's updated local list of validation requirements for planning applications. This list has been used since that time to ensure that planning applications are accompanied by all documentation necessary to ensure proper consideration, in addition to the basic documentation required by primary legislation.

The Legislation¹ requires the Local Planning Authority to review its local validation requirements every two years and also sets out the process that should be followed. However, it is open for a Local Planning Authority to review the requirements more frequently if necessary.

In the majority of cases agreement is easily reached with applicants regarding what is required to be submitted with an application, as officers use discretion to ask only for relevant documentation. The list predominantly provides guidance and help to those wishing to submit a planning application and explains why documents are required in certain circumstances. However, the legislation also provides a right of appeal where an applicant disputes the necessity of a document required by the Authority. If such an appeal is submitted, the local validation document will provide the basic justification as to why the document was requested to help settle the dispute.

The review has led to a change in style and format of the document to make it easier to navigate and more user friendly particularly for householder planning applications. There have been minor changes to items already on the list by way of making requirements clearer for applicants and ensuring that the most up-to-date policies are referenced. The revised list also introduces some additional requirements for non-householder applications to ensure that proposals meet current legislative and policy requirements and are capable of delivering high quality housing which meets national technical standards. In accordance with changes to government guidance and standard practice it is also intended to make Financial Viability information publically available. Furthermore by requiring applicants to submit certain details as part of the planning application for major and/or complex and sensitive proposals it is possible to prevent the use of conditions requiring further submissions which will reduce timescales for implementing permissions as well as reducing pressure on workload and resources. This is particularly important give the forthcoming changes to legislation in respect of pre commencement conditions².

Public consultation was undertaken and only one representation was received but this did not relate to a local list matter.

POLICY IMPLICATIONS

The continued ability to require applicants to submit additional material with applications will assist in assessing them against development plan policies and help to maintain the quality of decisions.

Non-Applicable Sections:	Financial; Legal; Personnel
Background Documents: (Access via Contact Officer)	Town and Country Planning Act 1990 Growth and Infrastructure Act (2013) Town and Country Planning (Development Management Procedure) Order 2015 National Planning Policy Framework (2012)) The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 National Planning Practice Guidance 2014

¹ Section 62(4A) of the Town and Country Planning Act 1990 (inserted by the Growth and Infrastructure Act (2013) (supported by Article 11(3)(c) of the Town and Country Planning (Development Management Procedure) Order 2015 and paragraph 193 of the National Planning Policy Framework (2012))

² The Town and Country Planning (Pre-commencement Conditions) Regulations 2018

Validation Guidance and Local Information Requirements for Planning Applications

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Introduction

The Council has produced this document to assist the process of validation of planning applications. It sets out clearly what documents are required for different types of application and the basic requirements for those documents.

All planning submissions will be reviewed against the requirements set out within the local list but we will only ask for documents which are necessary to validate the application.

The relevant national legislation¹ sets out that Local Information Requirements must be:

- reasonable having regard, in particular, to the nature and scale of the proposed development; and
- about a matter which it is reasonable to think will be a material consideration in the determination of the application.

The information required for a valid planning application consists of:

1. Mandatory national information requirements
2. Information provided on the standard application form; and
3. Information to accompany the application as specified by the local planning authority on their local list of information requirements (this document).

If your application is made invalid due to lack of submission of any of the documents required by the Council which form part of our Local Validation Requirements, and you disagree with the requirement, you are encouraged to discuss your concerns with us initially. If we can't reach an agreement, there is a formal process you can follow - please refer to the government's Guidance: Making an application at <http://planningguidance.communities.gov.uk/blog/guidance/making-an-application/receipt-of-an-application/delay-in-the-validation-of-an-application/>

For quickest validation we recommend online submission via the Planning Portal website <https://www.planningportal.co.uk/applications> with the fee paid online at the time of submission either via the portal or using the Bromley Council website <https://www.bromley.gov.uk/PlanningApplicationPayment>

¹ Section 62(4A) of the Town and Country Planning Act 1990 (inserted by the Growth and Infrastructure Act (2013) (supported by Article 11(3)(c) of the Town and Country Planning (Development Management Procedure) Order 2015 and Paragraph 193 of the National Planning Policy Framework (2012))

If making a paper submission please note that 2 copies of all documents are required. Whilst it is appropriate for householder and minor applications to be submitted electronically, Major Applications are often accompanied by a number of large sized plans and range of technical supporting documents, which cannot be adequately assessed electronically. To prevent delays with validation and to assist with a more efficient assessment all major applications should be submitted in hard copy with a minimum of 2 paper copies and a disc (even if also submitted via the Planning Portal).

Please note that if an application is considered to be invalid you will be notified in writing. All invalid reasons must be fully addressed in the first response to the Council's invalid letter and a response must be received within 21 days. It is not possible to deal with invalid reasons in a piecemeal approach. Failure to address all of the invalid reasons as part of one comprehensive response will result in the application being treated as invalid and formally disposed of. This will result in the need for a fresh application to be submitted should you wish to proceed with the proposal.

The Council expects applicants to have carried out pre-application discussions before submitting an application, as set out in the National Planning Policy Framework and to be fair to those who do choose to engage in pre-application discussions officers are not normally able to negotiate schemes once an application has been submitted. Minor revisions to applications could be accepted at the discretion of the Council, and if revised plans or documents are submitted we will require an extension of time for determination to be proposed / agreed at the same time.

The list is divided into two sections below. The first section includes national requirements for all applications as well as local requirements for householder and basic applications. The second section includes supporting information usually required for more complex proposals. Please be aware that in certain circumstances it might be necessary for a basic/householder application to be supported by documents in the second section (the local planning authority retains the right to request such information on a case by case basis)

National and Bromley standard requirements for all application types (including householder applications)

Validation Requirement	When Required	Minimum Content and/or advice
The correct fee	National requirement for all applications. If you are seeking an Exemption you must clearly set out the reasons why in your submission	<p>Fees can be calculated on the planning portal website https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1</p> <p>Fees can be paid on the Planning Portal at the time of submitting the application or on the Bromley Council website https://www.bromley.gov.uk/PlanningApplicationPayment</p>
Site location plan	Bromley requirement for all applications including Section 73 applications	<p>Must be at a scale 1:1250 or 1:2500 This must be an up to date map Must identify sufficient roads and/or buildings on land adjoining the application site to ensure that the exact location of the application site is clear Must include the direction of North Site must be outlined in Red and must include all land necessary to carry out the proposed development Adjoining land in the same Ownership must be outlined in Blue</p> <p>For Certificate of Lawfulness Applications for an Existing Use the plan must address the above requirements but must also show the precise area for each existing use.</p>
Block plan	National requirement for all applications	<p>Must be at a scale 1:100,1:200 or 1:500 Must show the proposed development hatched/outlined in red Must include a scale bar Must show the direction of North</p>

<p>Design & Access Statement</p>	<p>Required for:-</p> <ul style="list-style-type: none"> • Major applications • One or more dwelling in a Conservation Area • New building/s of 100 sqm in a Conservation Area • Applications for Listed Building Consent 	<p>The level of detail in a Design and Access Statement should be proportionate to the complexity of the application, but should not be long.</p> <p>Guidance on the minimum requirements for D&A Statements for both Planning Applications and Listed Building Consent can be obtained from https://www.gov.uk/guidance/making-an-application#Validation-requirements-for-planning-permission</p> <p>For Major Applications, Design and Access Statements shall:</p> <ul style="list-style-type: none"> • Explain the design principles and concepts that have been applied to the development • Demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account • Include all options considered in the evolution of a scheme with a clear explanation as to why other options were discounted • Explain the policy adopted as to access • Explain how any specific uses which might affect access to the development have been addressed
<p>Existing and Proposed Elevations</p> <p>(This must include all elevations and where appropriate a section. For example both flank elevations must be provided for rear extensions)</p> <p>Where changes to a roof are proposed and these cannot be</p>	<p>Required for any application or certificate of lawfulness for new buildings/extensions and alterations.</p> <p>For changes of use only then it is only necessary to provide existing and proposed floorplans.</p> <p>This is to ensure that the Council has</p>	<p>All plans/drawings must include the following:-</p> <ul style="list-style-type: none"> • Drawn at a scale 1:100 or 1:50 • A scale bar indicating a minimum of 0-10 metres (to assist with reading online) • A date, title, drawing number (indicating revisions) to identify the development and subject • Only show existing or proposed development and not include any other proposed works, (for example permitted development not yet carried out) <p>For applications for new buildings or substantial extensions to sensitive buildings - elevations and sections at 1:20 should be provided to show typical window sections, entrances and balconies. It may also be necessary to provide 1:5 details for important design features or at important junctions (further advice can be given during pre-application discussions).</p>

<p>easily assessed from the elevation plans a roof plan will also be requested.</p>	<p>sufficient information to understand what is proposed.</p>	<p>For Listed Building Consent applications - 1:20 existing plans must be submitted to show all existing doors, windows, shop fronts, panelling, fireplaces, plaster moulding and other decorative details that are to be removed or altered and 1:20 proposed plans and sections to show all new doors, windows, shop fronts, panelling, fireplaces, plaster moulding and other decorative details</p> <p>For Advertisement Applications – plans must show advertisement size, siting, materials and colours to be used, height above ground, extent of projection and details of the method and colour(s) of illumination if applicable</p> <p>Additional Plans for Section 96a (Non-material) or Section 73 (Minor-material) amendments applications – in addition to meeting the general requirements above, copies of the approved plans clearly marked up to show where the changes are for information purposes should be submitted (the copies can be to A3 size even if the originals were larger).</p> <p>The proposed plans must be a full update/revision of that originally approved including all information originally shown on the plans that is not subject to change as well as the amendments sought (i.e. you cannot partially supersede a plan)</p>
<p>Existing and Proposed Floor Plans</p>	<p>Required for any application or certificate of lawfulness for new buildings/extensions and alterations.</p> <p>For changes of use only then it is only necessary to provide existing and proposed floorplans.</p> <p>This is to ensure that the Council has</p>	<p>All plans/drawings must include the following:-</p> <ul style="list-style-type: none"> • Drawn at a scale 1:100 or 1:50 • A scale bar indicating a minimum of 0-10 metres (to assist with reading online) • A date, title, drawing number (indicating revisions) to identify the development and subject • Only show existing or proposed development and not include any other proposed works, (for example permitted development not yet carried out) <p>For applications for new dwellings - proposed floor plans must be annotated with unit size</p> <p>Additional Plans for Section 96a (Non-material) or Section 73 (Minor-material) amendments applications – in addition to meeting the general requirements above, copies of the approved plans clearly marked up to show where the changes are for information purposes should be submitted (the copies can be to A3 size even if the originals were larger).</p>

	sufficient information to understand what is proposed.	The proposed plans must be a full update/revision of that originally approved including all information originally shown on the plans that is not subject to change as well as the amendments sought (i.e. you cannot partially supersede a plan)
Existing and Proposed Section Drawings	<p>Required for</p> <ul style="list-style-type: none"> • Conversions to residential units or • Creation of new residential units • Applications to raise the roof height <p>Needed to show finish floor to ceiling height to confirm compliance with Standard 31 of the Housing SPG and Part 10 Section (i) of the National Housing Standards</p>	<p>All plans/drawings must include the following:-</p> <ul style="list-style-type: none"> • Drawn at a scale 1:100 or 1:50 • A scale bar indicating a minimum of 0-10 metres (to assist with reading online) • A date, title, drawing number (indicating revisions) to identify the development and subject • Only show existing or proposed development and not include any other proposed works, (for example permitted development not yet carried out) • Clearly annotate floor to ceiling heights
Site sections and finished floor levels	<p>Required for any new building works on sites which slope or where a change in ground levels is proposed</p> <p>This is to ensure that the Council has</p>	<p>All plans/drawings must include the following:-</p> <ul style="list-style-type: none"> • Drawn at a scale 1:100 or 1:50 • A scale bar indicating a minimum of 0-10 metres (to assist with reading online) • A date, title, drawing number (indicating revisions) to identify the development and subject • Only show existing or proposed development and not include any other proposed works, (for example permitted development not yet carried out) • Show both existing and finished levels (with levels related to a fixed datum point off site), including details of foundations and eaves and how encroachment onto adjoining

	sufficient information to understand what is proposed.	land is to be avoided
Existing and proposed street elevations	<p>Required for proposals that increase the height of a building or for the erection of new buildings.</p> <p>This is to ensure that the Council has sufficient information to understand what is proposed.</p>	<p>All plans/drawings must include the following:-</p> <ul style="list-style-type: none"> • Drawn at a scale 1:100 or 1:50 • A scale bar indicating a minimum of 0-10 metres (to assist with reading online) • A date, title, drawing number (indicating revisions) to identify the development and subject • Only show existing or proposed development and not include any other proposed works, (for example permitted development not yet carried out) • Annotate overall proposed building height (AOD) of the application site and both neighbouring properties
Community Infrastructure Levy (CIL) Form	<p>Required for all applications that propose:-</p> <ul style="list-style-type: none"> • Additional/new residential units (including conversions) • Extensions over 100sqm 	<p>Community Infrastructure Levy forms and guidance are available to download in pdf format using this link</p> <p>http://www.bromley.gov.uk/info/485/planning_applications/105/planning_application_forms/10</p> <p>An application should be accompanied by the form entitled 'Determining whether a Development may be CIL Liable'.</p>
Photographs/Photo Montages/Computer Generated Images	<p>Whilst photographs are not required to validate an application, it is very helpful for photographs of the existing site and building(s) to be submitted in particular with listed building consent and conservation area consent applications and for major applications</p> <p>Whilst not a substitute for scaled plans, for major applications Computer Generated Images (CGIs) are very useful to</p>	

	<p>demonstrate the visual impact of a proposal particularly for third parties who wish to comment on an application. In some instances Fully Verified Views will also be required. Further advice can be given by planning officers as part of the pre-application discussions.</p>	
<p>Supporting Statement for Lawful Development Certificates for Outbuildings over 50sqm</p>	<p>If the floorspace of a proposed outbuilding is over 50sqm additional supporting information is required by the Local Planning Authority to justify why the outbuilding is incidental to the enjoyment of the main dwelling, since an outbuilding for domestic use would not normally require such a large floor area. The covering statement should outline the incidental purposes the applicant intends to enjoy and the reasonable requirement for such a large building.</p>	
<p>Technical supporting statements/documents required for more complex applications (could be requested for householder applications if required, this will be determined on a case by case basis)</p>		
<p>Accessible/Adaptable Homes and/or Wheelchair Housing Statement</p>	<p>Accessible/adaptable homes applies to all new build residential development</p> <p>Wheelchair requirements apply to major proposals and trigger a requirement of 10% wheelchair user provision</p>	<p>London Plan Policy 3.8 requires all new build housing to be built to ensure ninety percent of new housing meets Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten percent of new housing meets Building Regulation requirement M4 (3) 'wheelchair user dwellings' i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. Detailed guidance on how to meet these requirements is set out in "The Building Regulations: Access to and use of Buildings. Approved Document M. Volume 1 Dwellings 2015 Edition."</p> <p>Bromley Council require all affordable rent wheelchair units to meet SELHP Standards. Wheelchair units of other tenures will be required to London Plan (Part M) Standards.</p> <p>Affordable rented units must be fitted out and market or intermediate units must be adaptable.</p>

		<p><u>Accessible and Adaptable Homes</u> Applicants must submit a statement to confirm compliance with the standards; compliance will be controlled by way of a planning condition.</p> <p><u>Wheelchair Homes</u> In order to demonstrate compliance with the standards floor plans at a scale of 1:50 for each unit type proposed must be submitted. The floor plans must be annotated to show compliance with full relevant criteria (which for SELHP Units will include the provision of 2 lifts for units located above the ground floor and plans to show sufficient width of communal corridors and entrances).</p> <p>A statement alone is not sufficient to demonstrate compliance.</p> <p>Useful references: https://www.gov.uk/government/publications/access-to-and-use-of-buildings-approved-document-m http://www.selondonhousing.org/downloads/file/43/wheelchair_homes_design_guidelines</p>
Accommodation Schedule	<p>Required Major Residential proposals (although helpful for all proposals for new residential units).</p> <p>If this is provided within another document such as Planning Statement or Design and Access Statement this must be clearly set out in the applicant's</p>	<p>The information submitted must include the following details:</p> <ul style="list-style-type: none"> • Existing floor space Gross and Net (broken down into occupied and vacant floorspace at the time the application is submitted) • Gross proposed floorspace • Proposed unit numbers (broken down into size and tenure) • Proposed habitable rooms • Confirmation of unit sizes for each new dwelling • Confirmation of residential density by unit number and habitable rooms • Identified wheelchair units <p>For development proposals that trigger an affordable housing requirement it will also be necessary to provide a full Affordable Housing Statement (see below). If as part of the application, you are seeking to benefit from Vacant Building Credit it will be necessary to demonstrate that all existing floorspace within each building is vacant on the day that the</p>

	<p>covering letter.</p> <p>This document is required to demonstrate how the proposal will meet National Planning Legislation and Guidance and development plan policies in terms of housing provision, unit size and mix, affordable housing, standard of accommodation and density</p>	<p>application is submitted</p>
Affordable Housing Statement	<p>Required for residential developments of 11 or more dwellings and residential proposals with a combined floorspace of 1000 sqm</p>	<p>Applicants will be required to address current adopted development plan policy requirements in terms of provision of affordable units, tenure split, unit size or payment in lieu so should refer to the GLA and Bromley Council's website for relevant development plan policies.</p> <p>The Statement must include:-</p> <ul style="list-style-type: none"> • the number and mix of dwellings, with the numbers of habitable rooms and/or bedrooms, or the floor space of habitable areas of residential units • Confirmation as to whether grant funding with Registered Providers has been explored • Confirmation of rent levels for Intermediate units (demonstrating compliance with London Living Rent Levels) • plans showing the location of units and their number of habitable rooms and/or bedrooms, and/or the floor space of the units. • If different levels or types of affordability or tenure are proposed for different units this should be clearly and fully explained • details of any Registered Provider acting as partners in the development.

		<p>A planning obligation will be necessary to secure the provision of affordable housing.</p> <p>All Affordable Housing should meet the current Homes and Communities Agency (HCA) Quality Standards. . See also Planning Obligations – Draft Head(s) of Terms below.</p> <p>Useful references: Bromley Affordable Housing Supplementary Planning Document (SPD) http://www.bromley.gov.uk/download/downloads/id/197/adopted_affordable_housing_spd</p> <p>London Plan Affordable Housing and Viability Supplementary Planning Guidance SPG https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance/affordable-housing-and</p>
Air Quality Assessment	Major Developments and other potentially polluting & traffic generating development in or adjacent to a AQMA (to be decided on a case by case basis by the Planning officer)	<p>The information should be sufficient to enable full consideration of the impact of the proposal on the air quality of the area. Where increased building and/or transport emissions are likely, reduction/mitigation measures should be set out in a detailed emissions statement.</p> <p>Useful references: Bromley AQMA Map http://www.bromley.gov.uk/downloads/file/682/bromley_air_quality_management_area_aqma_map</p>
Biodiversity and Geological Survey Report	Required for Major developments and non-major developments in designated areas (SSSI/SINC/AONB or Local Nature Reserves) or where protected species may be affected by a	<p>Where a proposed development may have possible impacts on wildlife and biodiversity, information should be provided on existing biodiversity interests and possible impacts on them to allow full consideration of those impacts. Where proposals are being made for mitigation and / or compensation measures, information to support those proposals will be needed. Where appropriate, accompanying plans should indicate any significant wildlife habitats or features and the location of habitats of any species protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc.) Regulations 1994 or the Protection of Badgers Act 1992.</p> <p>Applications for development in the countryside that will affect areas designated for their</p>

	proposal	<p>biodiversity interests are likely to need to include assessments of impacts and proposals for long term maintenance and management. This information might form part of an Environmental Statement, where one is necessary. Certain proposals which include work such as the demolition of older buildings or roof spaces, floodlighting, removal of trees, scrub, hedgerows or alterations to water courses may affect protected species and will need to provide information about them, any potential impacts on them and any mitigation proposals for such impacts.</p> <p>Useful references: British Standard 'BS 42020:2013 Biodiversity. Code of practice for planning and development; http://www.biodiversityplanningtoolkit.com; www.naturalengland.org.uk and the Bromley Biodiversity Action Plan http://www.bromley.org/ciswebpl/bbap/introbio.asp</p>
Construction Management Plan (CMP) or Construction Environmental Management Plan (CEMP)	<p>Required for</p> <ul style="list-style-type: none"> • all major applications, applications • for 5+ dwellings and • others likely to have a significant impact on traffic congestion or pedestrian safety. • Any application where loading activities associated with the construction 	<p>A CMP may be included within a Transport Assessment or submitted as a standalone document.</p> <p>Depending on the scale of the development or particular sensitivities of the site the following information may be needed for an application to be determined:</p> <ul style="list-style-type: none"> • Construction vehicle routing (swept path analysis may be required) to demonstrate that construction vehicles can access the development and to limit or prevent HGV movements on residential roads • Details for maintaining clean roads (wheel washing) • Security and Access Controls (for larger sites) • Details of waste management • Numbers and times of deliveries <p>You are advised to speak to the Highways Team at an early stage to discuss your scheme and to agree the necessary scope of the application.</p> <p>A Construction Environmental Management Plan must include details of measures to address the effects of demolition and construction noise and dust management.</p> <p>Further guidance can be found at http://www.tfl.gov.uk/microsites/freight/documents/construction_logistics_plans.pdf</p>

	<p>phase of a development would cause congestion or obstruction on the highway.</p>	
<p>Daylight/Sunlight Assessment</p>	<p>Required for all major developments and any application where there is a potential adverse impact upon the current levels of sunlight/daylight enjoyed by adjoining properties or buildings including associated gardens or amenity space or in the vicinity of a river or open space</p>	<p>The assessment should be carried out in accordance with the Building Research Establishment document Site Layout Planning for Daylight and Sunlight – A guide to Good Practice. A daylight, vertical sky components, sunlight availability and shadow study should be undertaken and assessed against the criteria set out in the BRE document.</p> <p>Useful references: Building Research Establishment http://www.bre.co.uk/index.jsp</p>

Economic Statement	<p>Required for:-</p> <ul style="list-style-type: none"> • Major developments >2000 sq. m or >1ha; • Redevelopments where loss of employment may arise 	<p>The statement should set out:-</p> <ul style="list-style-type: none"> • Any regeneration benefits from the proposed development, including: details of any new jobs that might be created or supported; • The relative floor space totals for each proposed use (where known), • Any community benefits and reference to any regeneration strategies that might lie behind or be supported by the proposal. <p>Proposals for redevelopment of employment sites should include details of existing employment that will be lost. The statement should include justification for the proposal in planning policy terms.</p>
Energy Statement	Major developments	<p>The London Plan provides the policy framework for sustainable design and construction and carbon reduction in new development, and attention is drawn to Chapter 5 of the London Plan and the Sustainable Design and Construction Supplementary Planning Guidance https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance/sustainable-design-and</p> <p>The Energy Assessment should demonstrate how the need for energy is to be minimised, and how it will be supplied. In accordance with the energy hierarchy, developments should firstly be designed to use less energy; secondly the energy needed should be supplied as efficiently as possible and thirdly should use renewable energy where feasible. The Energy Assessment should show how building construction will reduce carbon emissions and provide energy savings that exceed the requirements of the Building Regulations and should include calculations of both carbon dioxide emissions and energy (in KWh) and show how options for producing renewable energy have been considered.</p> <p>Since 6 April 2014, the Mayor has applied a 35% carbon reduction target beyond Part L 2013 of the Building Regulations – this is deemed to be broadly equivalent to the 40% target beyond Part L 2010, as specified in Policy 5.2</p> <p>From 1 October 2016 a zero carbon standard will be applied to new residential development. The Housing SPG defines 'Zero carbon' homes as homes forming part of major development</p>

		<p>applications where the residential element of the application achieves at least a 35 per cent reduction in regulated carbon dioxide emissions (beyond Part L 2013) on-site . The remaining regulated carbon dioxide emissions, to 100 per cent, are to be off-set through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere (in line with policy 5.2E).</p> <p>Non-domestic development should continue to seek to achieve a 35 per cent reduction against Part L 2013.</p> <p>The Energy Assessment should be related to the particular development proposed for the site and should demonstrate the feasibility of installing the particular measures proposed.</p> <p>The layout of the scheme should ensure that there is sufficient space on site for any equipment and fuel storage, if required, and should investigate implications of fuel delivery. The potential site and form of buildings and flues should be included in the information submitted with the application.</p> <p>In cases where the form of renewable energy cannot be fully determined at time of application, feasible options must still be presented. It is unlikely to be possible to submit details for the compliance of a condition regarding energy efficient/renewable energy where additional permissions may be required (e.g. for flues or buildings not in the original application).</p> <p>Useful references: GLA Energy Planning Guidance March 2016 https://www.london.gov.uk/sites/default/files/gla_energy_planning_guidance_-_march_2016_for_web.pdf</p>
Financial Viability Assessment	Required for major development proposals and residential developments (11 + dwellings or site area of 0.4 hectares) that	<p>A Financial Viability Assessment (FVA) will be required for any developments that generate a need for developer contributions where the applicant is of the view that the economics of the development cannot support the likely requirements for contributions made by the Local Planning Authority or other stakeholders.</p> <p>The Council will seek to enter into legal agreements under Section 106 regarding developments which trigger the threshold for planning obligations and affordable housing, in</p>

	<p>do not offer policy compliant planning obligations or less than 35% affordable housing (by Habitable room)</p> <p>Or</p> <p>Required when policy compliant schemes are not implemented within two years of planning permission having been granted (in accordance with London Plan SPG Requirements)</p>	<p>accordance with Government guidance and its Supplementary Planning Document (SPD) regarding Planning Obligations http://www.bromley.gov.uk/info/856/local_development_framework/160/planning_obligations_supplementary_planning_document</p> <p>When applicants are not able to offer such obligations (or less benefit than indicated by the SPD), this should be justified by such an Assessment. This requirement also applies where less or no affordable housing than is required by current development plan policy is offered, or when public subsidy is sought for the affordable housing.</p> <p>The Assessment should be prepared in accordance with the GLA Affordable Housing and Viability SPG 2017. The purpose of the Assessment will be to allow the Local Planning Authority to have a clear understanding of the economics of development a particular site, and will be used to assess whether or not a development is able to meet the full requirements for planning obligations normally required.</p> <p>This information should be provided to the Borough in its entirety. Applicants should be aware that the assessment will be made available in the same manner as other documents that form part of the submission.</p> <p>See Planning Obligations – Head(s) of Terms below.</p> <p>Useful References: https://www.london.gov.uk/sites/default/files/ah_viability_spg_20170816.pdf http://www.bromley.gov.uk/info/856/local_development_framework/160/planning_obligations_supplementary_planning_document</p>
<p>Flood Risk Assessment</p> <p>and/or</p> <p>Householder and other minor</p>	<p>Required for sites of 1ha or more in Flood Zone 1 and any development in Flood Zones 2 & 3, except “minor development” as defined by</p>	<p>Environment Agency Guidance defines Flood Zones as follows- Zone 1 – low probability of flooding (less than 1 in 1000 annual probability of river or sea flooding) Zone 2 – medium probability – between 1 in 100 and 1 in 1000 Zone 3 – high probability – 1 in 100 or greater annual probability</p> <p>A Flood Risk Assessment (FRA) will be required for development proposals of 1 hectare or</p>

<p>extensions in Flood Zone 2.3 Declaration</p>	<p>Environment Agency</p>	<p>greater in Flood Zone 1 and for all proposals for new development located in Flood Zones 2 and 3 as designated by the Environment Agency. It is a statutory requirement that such proposals be referred to the Agency, with the exception of “minor developments” (domestic extensions and garden buildings, and non-domestic extensions of <250m²).</p> <p>The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. The FRA should identify opportunities to reduce the probability and consequences of flooding. The FRA should include the design of surface water management systems including Sustainable Drainage Systems (SUDs) and address the requirements for safe access to and from the development in areas at risk of flooding. It should be prepared with reference to the Council’s Strategic Flood Risk Assessment (SFRA).</p> <p>Though an FRA will not be required for “Householder and other minor development” in Zones 2 and 3 the applicant should complete the relevant declaration which can be downloaded from the Councils website</p> <p>http://www.bromley.gov.uk/downloads/file/2821/householder_and_other_minor_extensions_in_flood_zone_2_and_3_declaration_form</p> <p>Useful references: Environment Agency flood risk guidance http://www.environment-agency.gov.uk/research/planning/82587.aspx</p>
<p>Foul Sewage and Surface Water Drainage Assessment</p>	<p>Required for developments that will increase surface water runoff and/or result in increased demand for sewerage and sewage treatment; Sites traversed by public sewers</p>	<p>Most new developments need to be connected to existing utilities, particularly to mains foul drainage and (if on-site filtration like soakaways is not feasible) to the mains surface water sewer. Particular issues arise if there are existing sewers crossing a development site, as the proposal will need to take such infrastructure into account, including possible diversion, and the Assessment should put forward suitable proposals if this is necessary.</p> <p>Proposals for disposal of surface water should be in line with the criteria set out in London Plan Policy using the principles of Sustainable Drainage Systems (SUDS) to reduce and attenuate run-off from the proposal so that the development does not exacerbate the risk of flooding elsewhere. The use of soakaways is desirable where ground conditions are suitable, and this should be evidenced by percolation tests. The proposals for on-site infrastructure</p>

		<p>should show service routes that avoid as far as possible the potential for damage to trees and archaeological remains.</p> <p>See Flood Risk Assessment above, and Tree Survey and Arboricultural Implications Report below.</p> <p>Useful references: http://www.thameswater.co.uk/home/11425.htm</p>
Heritage Statement	<p>Required for:-</p> <ul style="list-style-type: none"> • Affecting the setting of a Listed Building • Listed Building Consent • Scheduled Ancient Monument Consent; • Hedgerow Removal 	<p>This can be submitted as a standalone statement or as part of a Design and Access Statement.</p> <p>One way of setting out a Heritage Statement is to assess the significance of the “heritage asset” the subject of the application in terms of the building or feature concerned (that part specifically affected by the proposal and the whole building / feature) and its site and setting, under the following headings –</p> <ul style="list-style-type: none"> - historic significance – the age and history of the asset, its development over time, the strength of its tie to a particular architectural period, the layout of the site, the plan form of a building, and internal features of special character - cultural significance – the role a site plays in a historic setting, village, town or landscape context, the use of a building perhaps tied to a local industry or agriculture, social connections of an original architect or owner - aesthetic / architectural significance – the visual qualities and characteristics of the asset (settlement site or building), long views, legibility of building form, character of elevations, roofscape, materials and fabric, special features of interest - archaeological significance – evolution of the asset, phases of development over different periods, important features, evidence in building fabric, potential for below ground remains. <p>For applications which propose partial demolition of a heritage asset – a demolition plan which clearly identifies what parts of a building will be demolished and what parts will be</p>

		<p>retained following alteration/extensions.</p> <p>For applications for listed building consent - a written statement that includes a schedule of works to the listed building(s), an analysis of the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the listed building or structure, its setting and the setting of adjacent listed buildings may be required. When photographs are necessary they should be dated, numbered and cross-referenced to a plan. Perspectives, photomontages, models or computer visualisations may be helpful to show the impact of new works on the heritage asset and its setting.</p> <p>Plans for listed building consent - should usually be at 1:50 scale and show existing and proposed floor plans, internal and external elevations, and sections through affected floor, roof and wall structures. A structural survey by an engineer or surveyor familiar with historic buildings which identifies defects and proposes remedies is likely to be required in support of an application for listed building consent, when significant elements of demolition or rebuilding are proposed. When partial or complete demolition is proposed, a statement of justification should be based on the following criteria – the condition of the building, cost of repairing and maintaining it in relation to its importance and the value derived from its continued use, adequacy of efforts to retain the building in use (including evidence that it has been offered on the open market at a realistic price) and merits of alternative proposals for the site.</p> <p>For applications for conservation area consent - a written statement that includes a structural survey, an analysis of the character and appearance of the building/structure, the principles of and justification for the proposed demolition and its impact on the special character of the area may be required.</p> <p>For applications either related to or impacting on the setting of heritage assets - a written statement that includes plans showing historic features that may exist on or adjacent to the application site including listed buildings and structures, historic parks and gardens and scheduled ancient monuments and an analysis of the significance of the archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of a listed building or structure, its setting and the setting of adjacent listed buildings may be required.</p>
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Land Contamination Assessment	<p>Required:-</p> <ul style="list-style-type: none"> • Where the proposed use is sensitive e.g. residential, school; • Where the previous use of land could give rise to contamination • On and near former landfill sites; • Sites that have 	<p>This should comprise a desktop study setting out the previous uses of the site. Sufficient information should be provided to determine the existence or otherwise of contamination, its nature and the risks it may pose and whether these can be satisfactorily reduced to an acceptable level. Where contamination is known or suspected or the proposed use would be particularly sensitive (e.g. residential, children’s nursery, school), the applicant should provide such information with the application as is necessary to determine whether the proposed development can proceed. If permission is granted, a condition will be imposed requiring submission of a contaminated land assessment (comprising sampling of soil, gas, surface water and groundwater) and details of proposed remediation works.</p> <p>Useful references: Further advice on contaminated land can be found on the Environment Agency’s website www.environment-agency.gov.uk/research/planning/40407.aspx And in Bromley’s Contaminated Land Strategy http://www.bromley.gov.uk/info/418/pollution_control-contaminated_land/558/contaminated_land.</p>

	a history of commercial use or where previous uses are unknown	
Landscaping Scheme	<p>Required:-</p> <ul style="list-style-type: none"> • All new build residential development • Developments that include external amenity space • Any proposals including alterations to a front garden 	<p>Landscaping schemes are integral to good design and should be incorporated into schemes from the earliest stage of the design process. Good landscaping and trees designed in as a positive part of the design process can add amenity value to a development and the public realm as well as benefiting wildlife habitats and biodiversity.</p> <p>The detail provided should be proportionate to the scale of the development. At the outset of a proposal areas for hard surfaces, soft landscaping, playspace etc... should be identified even if detailed soft planting specification is not yet known.</p> <p>The landscaping scheme should include plans showing details of hard and soft landscaping proposals for all parts of the site where no buildings are proposed. This must indicate the relevant site features and note those to be retained and the presence of any species of nature conservation interest;</p> <ul style="list-style-type: none"> • Proposed plans must specify the plant species, their size and planting densities and any trees proposed stating their size and identify hard landscaping materials; • Site levels, gradients and any earthworks required, storage areas for bicycles and/or refuse storage areas, boundary treatments and SUDs must be shown as relevant; and • A management plan for a period of 5 years identifying how and by whom any communal landscaping or public realm areas would be managed. • Applications proposing hardstandings must specify the location and area of porous paving materials if proposed.
Living Roof and Wall Details	Required for all proposals that are seeking to include living roofs and walls as a way to address	Living roofs are an essential sustainable design consideration and can make a significant contribution to flood mitigation and climate change particularly when paired with other renewable energy sources such as PV panels. However, it is essential to ensure that a living roof has been design into a building from the outset and that appropriate maintenance is secured to ensure its success.

	<p>climate change policies</p>	<p>For applications proposing the incorporation of a living roof the following information must be provided</p> <ul style="list-style-type: none"> • Fully detailed plans (to scale) showing and stating the area of the roof. This should include any contoured information depicting the extensive substrate build up and details of how the roof has been designed to accommodate any plant, management arrangements, and any proposed photovoltaic panels and fixings. • A scaled section through the actual roof (i.e. not a generic section of a living roof) showing the details of the extensive substrate base and living roof components. • Details of the proposed plug planting and seed composition and planting methodology • Details of the proposed plug plant and seed composition. • A statement outlining a management strategy detailing how the living roof would be maintained and monitored for a period of at least 5 years post installation shall be provided. <p>Useful references: http://livingroofs.org/</p>
<p>Landfill and Waste Transfer Statement</p>	<p>Required for all proposals for transfer, treatment and deposit of waste</p>	<p>The Statement should supplement an application with the following information:</p> <ul style="list-style-type: none"> - details of the type of waste to be deposited or transferred, including source of input and destination of output, tonnage and expected duration of the landfill / waste management operation. Where relevant, a topographical survey including - existing and proposed levels / contours and cross sections, showing relationship with adjacent land - detailed technical information relating to the plant and equipment proposed for the site and a method statement for the processes involved, including on-site procedures / machinery and a phasing programme - detailed assessment of the impact of the proposed processes in terms of surface water runoff, air quality, noise, vibration, odour, dust, gas, leachate and energy produced, attraction of birds and vermin and measures to mitigate these impacts (including the plant and equipment concerned). Effects assessed should include hydrology / geology / groundwater and risks of flooding, subsidence, landslides or avalanches on landfill

		<p>sites</p> <ul style="list-style-type: none"> - details of the visual impact of all buildings, plant and structures including information relating to land levels, screening and landscaping, if necessary – see Landscape / Townscape and Views Impact Assessment - details of all vehicular movements to and from the site, based on the maximum capacity of the site, including vehicle size, frequency of movements and load capacity – see also Transport Assessment - details of proposed restoration works, landscaping and aftercare, including timing / phasing. <p>Details of any relevant information relating to the requirements of the Environment Agency should also be included in the Statement. In the case of applications for landfill sites, sufficient information should be provided in the Statement to enable the waste planning authority to fulfil its requirements under the Landfill (England and Wales) Regulations 2002.</p> <p>If the application site lies within the Green Belt or on Metropolitan Open Land, a Planning Statement (see below) setting out details of ‘very special circumstances’ should be submitted, and it should also include an assessment of alternative sites to demonstrate the need for the development on designated land.</p> <p>Separate statements may also be required in the form of a Flood Risk Assessment and / or Foul Sewage and Surface Water Drainage Assessment (see above). Pre-application discussions are recommended on all proposals in this category to ensure that individual site requirements can be identified and addressed in the Statement and other documents that may be required.</p> <p>Useful references: National Planning Policy for Waste (2014) and PPG (2014) https://www.gov.uk/government/publications/national-planning-policy-for-waste</p>
Landscape / Townscape and	Required for:- <ul style="list-style-type: none"> • Developments 	Some developments will have a visual impact over a wide area, not just on their immediate surroundings. An Assessment is likely to be necessary for developments-

Views Impact Assessment	<p>that that exceed the general height of buildings in the area</p> <ul style="list-style-type: none"> • That affect important local views, or views of landmarks or major skyline ridges • For high buildings in Bromley Town Centre • Developments that are located in or adjoining open land • That affect heritage assets - Conservation Areas, Historic Parks and Gardens , Kent Downs Area of Outstanding Natural Beauty, and nearby listed building 	<p>Generally an Assessment for such proposals will be required in respect of major developments, though not for all. Some Assessments can comprise photographs and photomontages to help show how the development proposed can be satisfactorily integrated into the street scene and / or the surroundings generally, but for some proposals verified computer-generated visualisations/photomontages will be necessary. In such cases, the assessment should include a computer generated zone of visual influence and the impact on local, medium and long distant views which should be done through accurate visual modelling of proposals – photomontages or three-dimensional computer models (buildings fully rendered) – from relevant assessment points defined by the Council. Proposals should be shown in daylight and night conditions and in different seasons. The Assessment should be carried out by an appropriate professional in accordance with Guidelines for Landscape and Visual Impact Assessment 2nd Edition Landscape Institute and IEMA 2002.</p> <p>If the proposal affects heritage assets the Assessment should include a historical analysis of the evolution of the landscape / townscape. It may also be necessary to produce a Heritage Statement (see above).</p> <p>See relevant UDP policies, and (if relevant) the Kent Downs AONB Management Plan www.kentdowns.org.uk/Management%20Plan%202004%20-%202009</p>
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	<ul style="list-style-type: none"> Proposals for tall buildings 	
Lighting Assessment	<p>Required for floodlights and other lights that may impact on visual or residential amenity or nature conservation interests on or adjacent to an application site</p>	<p>All proposals that include floodlighting or involve the provision of publicly accessible developments in the vicinity of residential property, a Listed Building or a Conservation Area, or open countryside, where external lighting would be provided or made necessary by the development, should be accompanied by details of external lighting and the proposed hours when the lighting would be switched on. These details shall include a layout plan with beam orientation, a schedule of the equipment in the design, and a lighting diagram showing the intensity of illumination.</p> <p>Lighting schemes should take account of –</p> <ul style="list-style-type: none"> - any possible effects on wildlife that is sensitive to lighting e.g. bats - security lighting being low level / low key to avoid adverse effects on nearby properties - lighting of public and communal areas in developments including access drives and car parking should comply with BS5489-1:2003. <p>Useful references: Lighting in the Countryside: Towards Good Practice (1997) http://archive.defra.gov.uk/environment/quality/noise/neighbour/documents/lighting-in-the-countryside-970701.pdf is a valuable source of advice which demonstrates what can be done to lessen the effects of external lighting, including street lighting and security lighting. It is applicable in towns and cities as well as in the countryside. Conditions may be imposed on permissions that include lighting e.g. to control hours of use.</p>
Marketing Evidence	<p>Required for:-</p> <ul style="list-style-type: none"> Development / reuse of business premises for non-business purposes; Loss of community 	<p>Applications which involve the loss of retail use, loss of commercial use, and the loss of social and community uses will need to demonstrate that harm will not be caused by weighing market and other economic information alongside environmental and social information, take full account of any longer term benefits, as well as the costs, of development, such as job creation or improved productivity including any wider benefits to national, regional or local economies, and consider whether those proposals help to meet the wider objectives of the development plan.</p> <p>The evidence should set out clearly the means and period of marketing (which should not</p>

	<p>facilities;</p> <ul style="list-style-type: none"> • Change of use of retail shops to non-retail purposes 	<p>normally be less than 18 months), and the justification for any departure from planning policies.</p> <p>Marketing should include use of the Councils commercial property database</p> <p>http://www.bromley.gov.uk/info/200018/commercial_property/250/bromley_commercial_property_database</p> <p>Useful references: See The Economic Development and Employment Land Study prepared for the Council by GVA Grimley.</p> <p>http://www.bromley.gov.uk/downloads/file/714/btcaap025-bromley_economic_development_employment_land_study</p>
Material Samples	<p>Required for Major development proposals and other complex or sensitive proposals as advised by Planning Officers as part of the pre-application process.</p>	<p>Good design is indivisible from good planning and the detailing of a scheme and how it is delivered is key to ensuring that a scheme is capable of being delivered as designed and is of necessary high quality. Such details, if not considered fully as part of the early design stages, can cause difficulties at a condition stage and this detail is therefore needed up front for major or complex/sensitive proposals which will make a significant contribution towards place-making in the Borough.</p> <p>Details must include:</p> <ul style="list-style-type: none"> • A full specification of all materials (including windows, doors and balconies) with at least brochure details showing the appearance of materials or ideally samples of the materials to be provided. The specification must be accompanied by a statement explaining the choice and appropriateness of materials proposed. • A clear explanation of the longevity of the materials chosen as well as details of any measures taken to prevent adverse weathering and/or staining • Elevations and plans to show the location of the proposed materials • Elevations and sections at a scale of at least 1:20 showing a bay study of the buildings which shall include a window within the façade and the reveals, cills etc... • All pipework, drainage, vents etc... must be shown

Noise and Vibration Impact Assessment	<p>Required for:-</p> <ul style="list-style-type: none"> All mixed use developments and Noise-sensitive development (including residential) close to noise generating activities; Proposals that include noise generating activities & equipment / machinery 	<p>Surveys should be carried out in accordance with British Standard 7445-1:2003 (see www.standardsuk.com) to determine the range of ambient and background noise levels, the report should contain details of noise assessments, predictions and calculations, and give recommendations and specifications of any works necessary to control noise – such works should be detailed on the planning application drawings.</p> <p>Any works necessary to control noise should be detailed on the planning application drawings. Where external noise attenuation equipment is proposed, such as acoustic enclosures or acoustic screens, the noise survey report should demonstrate the location, size and visual impact of equipment on the site/building. This is especially important with regard to historic buildings or buildings situated in conservation areas. Noise measurement surveys undertaken to establish ambient and background noise levels should be undertaken in accordance with the recommendations of BS7445. Noise surveys and reports will generally be required for developments including:</p> <ul style="list-style-type: none"> building services and other external plant Other commercial proposals that include noise-generating activities and equipment / machinery Places of entertainment, or uses which attract large numbers of people Residential and other noise-sensitive developments close to busy transport routes and other noise-generating activities. <p>Certain of the above will also require an assessment of the impact of vibration e.g. residential development adjacent to railway tracks, proposals that include use of heavy machinery or mobile plant.</p> <p>Useful references: Advice can be sought from the Environmental Health team on 020 8313 4953</p>
Parking provision for Cars and Bicycles	<p>Required for:-</p> <ul style="list-style-type: none"> New residential development, places of 	<p>This requires that the level of parking for certain types of development should be determined by a Transport Assessment. The Council will seek a flexible approach to on-site parking for housing schemes which considers planning applications on their individual merits in the light of the particular circumstances of the locality, to deliver parking provision that is consistent with the character of the area, so as to minimise impact on on-street parking.</p>

	<p>employment, education & entertainment / leisure</p>	<p>A site layout showing car parking spaces (including disabled and electric vehicle spaces) , bicycle parking and buggy parking for elderly persons (if appropriate) should be provided for all residential, commercial, retail and business developments and other uses as set out in the UDP Appendix. The layout should clearly show how space can be provided within the development for bicycle parking appropriate to the particular use (in accordance with London Plan Standards), including secure/covered facilities, and details of the proposed bicycle stands and their spacing. In residential development, cycle parking can be provided within domestic garages and garden sheds, or in purpose-built secure structures.</p> <p>The car and bicycle parking should be well related to the property they are intended to serve in terms of proximity, and secure in terms of surveillance from the relevant property within the development. Layouts should also show clearly where on-site Refuse and Recycling Storage will be provided (see below). See also Transport Assessment below.</p> <p>Useful references: Appendix II Parking standards of the UDP http://www.bromley.gov.uk/info/1004/planning_policy/162/unitary_development_plan_udp gives guidance on criteria for numbers of parking spaces and acceptable layouts</p>
<p>Planning Obligations – Draft Heads of Terms</p>	<p>Required for:-</p> <ul style="list-style-type: none"> • Major development proposals • Certain Non-Major developments e.g. in town centres 9to be advised as part of the pre Application Process) 	<p>Planning obligations (or “Section 106 agreements”) are private agreements negotiated between Local Planning Authorities and persons with an interest in land (or “developers”), and are intended to make acceptable development which would otherwise be unacceptable in planning terms.</p> <p>In accordance with the Council’s adopted Supplementary Planning Document on Planning Obligations (December 2010 as amended Jan 2012, June 2013 and June 2015),</p> <p>http://www.bromley.gov.uk/info/856/local_development_framework/160/planning_obligations_supplementary_planning_document</p> <p>In appropriate cases where S106 requirements are known, developers will be required to submit a draft “Heads of Terms” statement regarding those matters regarding which they are willing to enter into a legal agreement with the Council. Alternatively a draft legal agreement</p>

		<p>can be submitted with the application, using the template in the SPD. The matters that would be appropriate to include in a planning obligation should be identified in pre-application discussions with planning officers.</p> <p>Applicants are also encouraged to prepare Unilateral Undertakings where appropriate.</p> <p>In order to facilitate the preparation of a legal agreement prior to a scheduled committee date so that decisions can be issued swiftly after a committee resolution, it will be necessary for the applicant to provide:</p> <ul style="list-style-type: none"> • Proof of the owner's title (including title plan). All the owners of the site will need to enter into the agreement. If the land is registered this will be by recent office copy entries (no more than 21 days old). If it is unregistered, an epitome of title should be provided. • Names and addresses of any chargees, lessees, mortgages or other holders of security on the land, as all parties with an interest in the land would need to sign the agreement. • A written agreement to pay the Council's reasonable legal costs in connection with the negotiation, preparation and monitoring of the legal agreement. In the event that the application is refused (contrary to Officers recommendation) it will still be necessary for the applicant to pay any legal fees associated with the draft of the s106. • Contact details if there is a solicitor acting on behalf of the applicant <p>Useful references: Further information on planning obligations is available in the Planning Practice Guidance 2014 See also Financial Viability Assessment above</p>
Planning Statement	<p>Required for:-</p> <ul style="list-style-type: none"> • Major developments <p>Or</p> <ul style="list-style-type: none"> • Proposals which raise a wide range of planning 	<p>A planning statement identifies the context and need for a proposed development and includes an assessment of how the proposed development accords with relevant national, regional and local planning policies. The level of detail will be dependent upon the proposal but should be proportionate.</p> <p>For major residential proposals the statement must include details of the play space strategy which should demonstrate compliance with London Plan Policies.</p>

	issues, including justification of “very special circumstances” regarding Green Belt / MOL	
Refuse and Recycling Storage Details	<p>Required for proposals for new (including conversion)</p> <ul style="list-style-type: none"> • Residential development, • Places of employment, education & entertainment / leisure 	<p>The layout for developments should show where storage can be provided for refuse and recycling before it is collected. Details must also show the swept path analysis for a LBB size refuse vehicle where the waste vehicle must enter the site to collect waste.</p> <p>The location shown should be convenient for collection from an adopted highway in terms of distance, route and gradient, and comprise an adequate area for storage in relation to the proposal. Layouts should also show clearly where on-site Parking Provision for Cars and Bicycles will be provided (see above).</p> <p>Useful references: Guidance is given in Notes for Developers and Architects and The Storage and Collection of Refuse from Residential and Commercial Buildings, which is available on the Council’s website. http://www.bromley.gov.uk/downloads/200074/planning</p>
Statement of Community Involvement	Required for Major proposals	<p>This can be provided as a standalone document or within a planning statement (if provided as part of another document this must be made clear in the application covering letters. It must explain how the applicant has complied with the requirements for pre-application consultation set out in Section 4 of the Local Development Framework Statement of Community Involvement</p> <p>http://www.bromley.gov.uk/info/856/local_development_framework/154/statement_of_community_involvement</p> <p>and demonstrate that the views of the local community have been sought and taken into</p>

		account in the formulation of development proposals.
Structural Survey and Rebuilding Method Statement	<p>Required for:-</p> <ul style="list-style-type: none"> • Demolition of Statutory & Locally Listed Buildings; • Conversion / reuse of buildings in Green Belt /MOL 	<p>Proposals for the conversion / reuse of an existing building in the Green Belt and Metropolitan Open Land are “appropriate” development providing certain criteria are met, including that the building is of permanent and substantial construction. A Structural Survey / Rebuilding Method Statement should be submitted with such proposals and include a survey of the structure and building fabric and a method statement setting out what existing fabric can be retained and what will be replaced, and the construction work and new materials necessary to bring the building up to modern standards to comply with the Building Regulations.</p> <p>A Statement may need to be submitted with an application for Listed Building Consent, though this material could form part of a Heritage Statement (see above). A Statement should be submitted with a planning application that involves the substantial alteration or demolition of a statutory or locally listed building, and for Conservation Area Consent applications to demolish – in the case of the latter, if the building concerned has a negative impact on the character and appearance of the area, a Statement will not be required. Pre-application advice can be given by the Council’s conservation officer. The Statement could form part of a Heritage Statement (see above).</p>
Telecommunication Development Information	Required for telecommunications masts, base stations & related apparatus	<p>Planning applications for mast and antenna development by mobile phone network operators in England must be accompanied by a range of supplementary information including the area of search, details of any consultation undertaken, details of the proposed structure, and technical justification and information about the proposed development.</p> <p>Planning applications must also be accompanied by a signed declaration that the equipment and installation has been designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP).</p> <p>Useful references: Further guidance on the information that may be required is set out in the Code of Practice on Mobile Network Development https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11486/codemobilenetwork.pdf</p>

<p>Town Centre and Retails Impact Assessment</p>	<p>Required for:-</p> <ul style="list-style-type: none"> • Major development • Non-Major developments which propose changes of use of retail premises 	<p>Town Centre uses include retail, leisure / entertainment, sport / recreation, office and hotel developments. Dependent on their floor space and location (which type of Centre, or other location), evidence may need to be submitted providing-</p> <ul style="list-style-type: none"> - a needs assessment, including quantitative and qualitative need, justifying the development - details of the sequential approach undertaken that have led to the proposed site being selected (excluding extensions to existing developments if they are less than 200 sq. m) - an assessment of the proposed development's impact on the vitality and viability of existing centres - an assessment of how the chosen location is accessible. <p>Applications for changes of use of ground floor premises in shopping centres from retail to other uses should be accompanied by a mapped survey of the uses of nearby premises and a statement to address issues set out in current adopted policies.</p> <p>Useful references: Planning for Town Centres http://www.planningportal.gov.uk/planning/planningpolicyandlegislation/currentenglishpolicy/goodpracticeguides/towncentres</p>
<p>Transport Assessment</p>	<p>Required for:-</p> <ul style="list-style-type: none"> • Major development • Other developments which would have an impact on the highway network(to be identified by a Planner on a 	<p>A Transport Assessment (TA) should be submitted as part of any planning application where the proposed development has significant transport implications. The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal. For smaller schemes the TA should simply outline the transport aspects of the application, while for major proposals, the TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from site.</p> <p>It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts. It may be necessary for the TA to determine the car parking requirement for the development.</p>

	case by case basis)	<p>Useful references: Further guidance can be found in the Department of Transport's Guidance on Transport Assessment (March 2007) https://tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guidance</p>
Travel Plan	Major Proposals	<p>A Travel Plan is a general term for a package of measures tailored to meet the transport needs of individual developments and aimed at promoting environmentally sustainable travel choices for residents, staff, visitors and customers, including reductions in car use, particularly single occupancy car journeys. They are just as important as other transport infrastructure and mitigation measures addressed in a Transport Assessment and can be used to identify measures that would reduce the level of potential traffic impact of development proposals. These can include car sharing, encouraging cycling, providing information about public transport and promoting flexible working. Travel Plans can address commuter journeys, business travel undertaken during the working day, visitors and deliveries.</p> <p>They should be submitted with applications for major developments that are likely to have significant transport implications. The Travel Plan should be worked up in consultation with the Council and local transport providers. In the case of speculative development it may be difficult to fully detail all aspects of a Travel Plan in the absence of a known occupier. The implementation of a Travel Plan is normally secured by a planning condition which will require that the Plan is regularly reviewed, and this can include updating once the development is occupied.</p> <p>Useful references: Further information can be found in the Department for Transport's "Delivering Travel Plans Through the Planning System", http://www.planningportal.gov.uk/planning/planningpolicyandlegislation/currentenglishpolicy/goodpracticeguides/deveringtravelplans and Transport for London's Guidance for residential travel planning in London www.tfl.gov.uk/microsites/interchange/documents/guidance-residential-travel-planning-2008.pdf and Guidance for workplace travel planning in London www.tfl.gov.uk/microsites/interchange/documents/guidance-workplace-travel-planning-2008.pdf . Transport for London also have a travel plan tool ATTrBuTe for drawing up and evaluating Travel Plans www.attrbute.org.uk</p>

<p>Tree Survey and Arboricultural Implications Report</p>	<p>Required for development on sites where there are existing trees that could be affected by the proposal</p>	<p>Where there are trees within the application site, or on land adjacent to it that could influence or be affected by the development (including street trees), information will be required on which trees are to be retained and on the means of protecting these trees during construction works. This information should be prepared by a qualified arboriculturist.</p> <p>Full guidance on the survey information, protection plan and method statement that should be provided with an application is set out in the current British Standard 5837:2005 'Trees in relation to construction – Recommendations', see www.standardsuk.com. Using the methodology set out in the BS should help to ensure that development is suitably integrated with trees and that potential conflicts are avoided.</p> <p>Seeking pre-application advice from the Planning Divisions' Tree Officer is recommended to establish what level of information is required. The following information should normally be submitted-</p> <ul style="list-style-type: none"> - Land Survey – this should be precise and show all relevant site features, including accurate location and identification of all trees, hedgerows and shrubs over 2 metres in height and/or with a stem diameter of 7.5cm measured at 1.5 metres above ground level. It should be made available at pre-application stage as scale drawings (1:100 or 1:200) and in a commonly agreed digital format, if available. The survey should also include spot heights of ground level throughout the site and location of trees on adjoining land less than half a tree height from the site boundary. - Tree Survey – All trees should be numbered on the land survey plan. Where appropriate, due to dense tree cover, tags with a corresponding number should be attached to all trees. A tree survey should only be undertaken by a suitably qualified arboriculturist with experience of trees on development sites and will be expected to meet the requirements of sections 4.2 to 4.4 of BS5837 (or the current revision of this document). It should assess all existing trees, including those on neighbouring land that may be affected by the development, and should include at least the following information; Species of tree, height (in metres), diameter of the trunk (measured at 1.5m above ground level on single stem trees and immediately above the root flare on multi-stemmed trees), canopy spread in metres in relation to all four compass points (to be recorded on tree survey plan), height of crown base (i.e. clearance above
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		<p>ground of lowest branches; in metres), age class (young, middle age, mature, over mature, veteran), assessment of condition (physiological and structural), tree management recommendations (e.g. Remove deadwood, crown lift etc.), desirability for retention in accordance with Table 1 of BS5837. The category of each tree should be clearly differentiated on the survey schedule and plan i.e. A, B, C and R (good, medium and low quality and value, or removal for reasons of sound arboricultural management respectively).</p> <p>Unless otherwise agreed with the planning tree officers, the Tree Survey and Arboricultural Implications Report should be prepared in at least draft form prior to pre-application discussions regarding the proposed development, to establish which trees are desirable to retain. Where appropriate, the Council will impose conditions on planning permissions to protect trees on development sites during the construction period.</p> <p>Useful references: Other sources of information are Arboricultural Practice Note 12 (APN 12) Through the Trees to Development www.treesource.co.uk and NJUG10 Guidelines for the Planning, Installation and Maintenance of Utility Services in Proximity to Trees http://www.njug.org.uk/category/3/pageid/5/</p>
Ventilation/Extraction Details and Specification	<p>Required for:-</p> <ul style="list-style-type: none"> Restaurants, cafes & hot food takeaways (Classes A3, A4 & A5) and other commercial extraction flues 	<p>Details of the position and design of ventilation and extraction equipment, including odour abatement techniques and acoustic noise characteristics, will be required to accompany all applications for the use of premises for purposes within Use Classes A3 (Restaurants and cafes – use for the sale of food and drink for consumption on the premises), A4 (drinking establishments – use as a public house, wine-bar or other drinking establishment), A5 (Hot food takeaways – use for the sale of hot food for consumption off the premises), B1 (general business) and B2 (general industrial).</p> <p>This information (excluding odour abatement techniques unless specifically required) will also be required for significant retail, business, industrial or leisure or other similar developments where substantial ventilation or extraction equipment is proposed to be installed. Please contact us for information about ventilation and ductwork systems for food and drink premises.</p> <p>Even when a future occupier is not known, applicants are likely to be required to demonstrate that any necessary equipment and ducting can be provided without any harmful visual or</p>

		amenity impact
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Report No.
DRR18/011

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE
EXECUTIVE

Date: Thursday 21st June 2018
Wednesday 11th July 2018

Decision Type: Non-Urgent Executive Non-Key

Title: LB BROMLEY LOCAL INTERMEDIATE HOUSING INCOME
THRESHOLD REVIEW

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

Chief Officer: Chief Planner

Ward: (All Wards)

1. Reason for report

This report seeks Members agreement to raise the existing local income thresholds for 1-3 bedroom units for intermediate housing to reflect changes primarily in house prices over the past 3 years (increases of 40% on average for one and two bedroom units in lower quartile house prices).

Intermediate housing can be defined as sub-market housing available to people on moderate incomes who cannot afford to buy or rent housing generally available on the open market. Intermediate housing may take the form of shared ownership, low cost home ownership or sub market rented housing.

2. **RECOMMENDATION(S)**

(i) **That Development Control Committee recommends to Executive that:**

the amended local upper limit intermediate housing (intermediate ownership) household income thresholds for 1, 2 and 3 bedroom units be as follows:

1 bedroom units	£55,000
2 bedroom units	£68,800
3 bedroom units	£73,400

4 bedroom units apply GLA household upper limit of £90,000 to 4 bedroom units (intermediate ownership);

(ii) **GLA household upper limit of £60,000 applies to intermediate rent products;**

(iii) **the amended Addendum to accompany the Council's Supplementary Planning Documents on Affordable Housing (2008) and Planning Obligations (2010) be as attached at Appendix 2 and 3 of this report.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
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Corporate Policy

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

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: N/A
 3. Budget head/performance centre: N/A
 4. Total current budget for this head: £N/A
 5. Source of funding: N/A
-

Personnel

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

Legal

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

Procurement

1. Summary of Procurement Implications: N/A
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

Background

3.1 Local intermediate housing income thresholds currently exist for new 1-3 bedroom intermediate housing units in the Borough. There are also thresholds set by the GLA that apply London-wide (for details see paragraphs 3.4 – 3.8 below). The local thresholds help to ensure that the intermediate housing units can be accessed initially by people on lower incomes compared to applying the London-wide thresholds from the outset.

3.2 It is considered that there is a need to review the Council's existing local intermediate housing income thresholds to ensure current local house prices are adequately reflected. The Council's Supplementary Planning Documents on Affordable Housing and Planning Obligations specify that the figure will be reviewed regularly. The existing income thresholds are as follows:

1 bedroom units, £38,500

2 bedroom units, £50,500

3 bedroom units, £62,500

4 bedroom units – existing Greater London Authority limit applies of £90,000 for intermediate ownership and £60,000 for intermediate rent products.

The proposed income thresholds are as follows:

1 bedroom units, £55,000

2 bedroom units, £68,800

3 bedroom units, £73,400

4 bedroom units, existing Greater London Authority limit applies of £90,000 for intermediate ownership and £60,000 for intermediate rent products.

3.3 The proposed income thresholds were derived using a similar calculation to that used in 2015 for the existing thresholds. In summary, the proposed income thresholds were calculated using the following methodology:

(i) to establish upper limit gross income thresholds it was considered that finding the midpoint between social-rented capitalized values for different sized units (1-4 bedrooms) and lower quartile house prices for different sized units was appropriate;

(ii) social-rented capitalized values were uplifted (to reflect increases in house prices) from 2014 to 2017 by increasing the values by 10% for years 2013/14 and 2014/15 (based on information from Home.co.uk). For 2015/16 and 2016/17 an uplift of 6% was used based on information from the Office for National Statistics;

(iii) the midpoint between the resultant social-rented capitalized values and the lower quartile house prices was then found and divided by 3.5 to help establish the gross income needed to access the units.

(iv) the above figures are included in Table 1 below.

3.4 An example for 1 bedroom units is as follows:

Midpoint of £145,335 (2017 social-rented capitalized value) and £240,000 (lower quartile house price) = £192,667. The latter figure divided by 3.5 results in a gross income threshold of £55,047.

- 3.5 The Draft Local Plan (2017) sets out the existing thresholds in paragraph 2.1.35. A minor modification to this paragraph is proposed that states:

“Intermediate housing income thresholds will be updated every three years”.

In light of the fact that the existing thresholds were agreed in 2015 it is considered that they are in need of updating.

Policy Context

National Planning Policy Framework (March 2012) (NPPF)

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

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

The London Plan (2016) and GLA Homes for Londoners Affordable Housing and Viability SPG (2017)

- 3.7 The definition of affordable housing within Policy 3.10 states that affordable housing is social-rented, affordable rented and intermediate housing provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Paragraph 3.61 specifies that intermediate housing should meet the criteria outlined in Policy 3.10 and be homes available for sale or rent at a cost above social rent but below market levels. These can include shared equity other low cost homes for sale and intermediate rent, but not affordable rent. Households whose annual income is in the range of £18,100 - £66,000 should be eligible for new intermediate homes. For homes with more than two bedrooms, which are particularly suitable for families, the upper end of this eligibility range will be extended to £80,000. These figures will be updated annually in the London Plan Annual Monitoring Report.
- 3.8 Paragraph 3.62 specifies that eligibility criteria for intermediate housing may be set locally to recognise the individual characteristics of local housing markets but should not compromise Policy 3.11 to maximise affordable housing provision. If boroughs wish to set eligibility criteria below the levels set out above planning conditions or agreements should secure them at the reduced levels for no more than three months from the point of initial marketing (whether that be when new or at re-sale or re-let) and they should then be offered without further restrictions to those who meet the London-wide eligibility criteria as set out in the London Housing Strategy.
- 3.9 The GLA Homes for Londoners Affordable Housing and Viability SPG (2017) makes reference to intermediate products including London Living Rent and / or shared ownership being the default tenures assumed in this category (paragraph 2.40).
- 3.10 The latest update set out in the GLA 2015/16 London Plan Annual Monitoring Report (LPAMR, 2017) sets the upper threshold at £90,000 for intermediate ownership products and £60,000 for intermediate rented products. For information paragraphs 3.62 – 3.63 of the LPAMR specifies that:

“3.62 Therefore from April 2017 the costs, including service charges of intermediate ownership products such as London Shared Ownership and Discounted Market Sale (where they meet the NPPF and London Plan definition of affordable housing) , should be affordable to households on incomes of £90,000 or less. From April 2017 the costs, including service charges for all intermediate rented products (including London Living Rent, Discounted Market Rent, Affordable Private Rent and Intermediate Rent) should be affordable to households on incomes of £60,000 or less.

3.63 For dwellings to be considered affordable, annual housing costs, including mortgage (assuming reasonable interest rates and deposit requirements), rent and service charge, should be no greater than 40% of net household income, based on the household income limits set out above. Further guidance is provided in the draft Affordable Housing and Viability SPG.”

3.11 Paragraph 3.64 of the LPAMR expands on the above specifying that:

“3.64 Local planning authorities should seek to ensure that intermediate provision provides for households with a range of incomes below the upper limit, and provides a range of dwelling types in terms of a mix of unit sizes (measured by number of bedrooms), and that average housing costs, including service charges for Shared Ownership and Discounted Market Sale are affordable by households on annual incomes of £56,200 pa. On this basis, average housing costs, including service charges, would be about £1,311 a month or £303 a week (housing costs at 40% of net income, net income being assumed to be 70% of gross income). For intermediate rent products average housing costs, including service charges should be affordable by households with an annual incomes of £41,200, resulting in housing costs of £11,536 a year or £961 a month and £222 a week.”

2015-18 GLA Housing Investment Programme

3.12 The Council agreed with the GLA the inclusion of the following clause within its 2015-18 GLA Programme which refers to local affordability criteria and thus, will be applicable to any scheme within a Registered Provider GLA programme during this timescale:

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

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

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

Homes for Londoners Affordable Homes Programme 2016-21 Funding Guidance (November 2016)

3.14 With reference to the above 2015-2018 Programme, this has been replaced by the 2016 – 2021 Programme. The above clauses are now included in the 16-21 Programme and will need to be reflected in relevant S106 agreements. They are subject to any local criteria level review.

Affordable Housing (2008) and Planning Obligations (2010) Supplementary Planning Documents (SPDs)

3.15 An addendum attached at Appendix 2 should accompany the above SPD's to set out the revised thresholds.

Review of LB Bromley Local Intermediate Housing Affordability Threshold

3.16 To establish an upper limit gross income threshold for intermediate housing (for intermediate ownership products) it is considered that finding the midpoint between social-rented unit capitalised values (Strategic Housing Market Assessment 2014, uplifted from 2013) and lower quartile house prices (November 2016, Southwark Housing Market Trends Bulletin 54, Table 5B, February 2017) would be appropriate (see Table 1 below) to establish a value upon which to work out the income level.

3.17 Social rented capitalised values (SHMA 2014) were used as a basis and then uplifted. An uplift of 10% was used for 2 years from 2014 – 2015 (2013/14 and 2014/15) based on information from Home.co.uk . For 2016 – 2017 an uplift of 6% was used for 2 years (2015/16 and 2016/17) based on information from the Office for National Statistics (house price index reports).

	Social rented units (SHMA 2014)	Social rented capitalised value uplifted from 2014 - 2017	Lower quartile house prices (Southwark Housing Bulletin February 2017)	Midpoint between social rented capitalised uplifted values and lower quartile house prices
1 bed unit	<£106,900 capitalised value	£145,335	£240,000	£192,667
2 bed unit	<£133,700 capitalised value	£181,771	£300,000	£240,885
3 bed unit	<£142,600 capitalised value	£193,871	£320,000	£256,935
4 bed unit	<£151,500 capitalised value	£205,971	£419,496	£312,733

Table 1: Price thresholds used for the affordability calculation (SHMA 2014, UPLIFTED) and Lower quartile house prices (Southwark Housing Bulletin 54, February 2017)

3.18 The mid-point values can then be divided by 3.5 to establish the gross income that would be needed to access the units. Additionally, the GLA advise that for dwellings to be considered affordable, annual housing costs, including mortgage (assuming reasonable interest rates and deposit requirements), rent and service charge, should be no greater than 40% of net household income. The annual household income required to access the units (based on the above) is set out below:

- 1 bedroom £55,047 ($£192,667 / 3.5 = £55,047$), 40% net income = £1322 / month
- 2 bedroom £68,824 ($£240,885 / 3.5 = £68,824$), 40% net income = £1574/month
- 3 bedroom £73,410 ($£256,935 / 3.5 = £73,410$), 40% net income = £1670/month
- 4 bedroom £89,352 ($£312,733 / 3.5 = £89,352$)

3.19 The GLA upper limit of £90,000 is considered applicable for 4+ bedroom units in light of the fact that the annual income threshold is calculated at £89,352.

3.20 The table attached to this report in Appendix 1 illustrates that current share to buy units could be accessed on the suggested income ranges based on 40% net income being available for annual housing costs, including rent and service charges.

3.21 To reflect the advice in the LPAMR in relation to intermediate rent products it is considered that using the GLA threshold of £60,000 is most appropriate (as opposed to using the individual annual income thresholds set out above for intermediate ownership products that range from £55,047 - £73,410). This will allow the units to be more accessible to households on incomes up to £60,000.

Involvement from Registered Providers

3.22 Registered Providers were informed of the general approach taken when the previous thresholds were established in 2015. In light of the fact that the approach has not changed further consultation has not been undertaken for this review.

4. POLICY IMPLICATIONS

4.1 Any changes to the intermediate income thresholds as set out in this report would need to be taken into account in the negotiation of S106 agreements for planning applications proposing affordable housing. The thresholds can be set out in an Addendum and attached to the Affordable Housing SPD (2008) and the Planning Obligations SPD (2010).

5. LEGAL IMPLICATIONS

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

Non-Applicable Sections:	Impact on Vulnerable Children and Adults Personnel Procurement Financial
Background Documents: (Access via Contact Officer)	2006 Unitary Development Plan SPDs on Affordable Housing (2008) and Planning Obligations (2010) Sub regional SHMA 2014 National Planning Policy Framework (March 2012) The London Plan (2016) GLA Annual Monitoring Report 2017 Homes for Londoners Affordable Housing and Viability SPG 2017 2015-18 GLA Framework/Programme Homes for Londoners Affordable Homes Programme 2016-21 Funding Guidance Southwark Housing Market Trends Bulletin 54, February 2017 House Price Index reports – Office for National Statistics Data from home.co.uk in relation to house price increases 2013/14 and 2014/15 Share to buy website (providing details of Borough intermediate schemes) www.sharetobuy.com/sharedownershipproperties

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Appendix 1

Examples of current Borough intermediate housing schemes and how reviewed income levels relate to monthly outgoings

	Location	Full Price	Share price	No. bedrooms	Estimated monthly cost (mortgage, rent and service charge)	40% net threshold income
1	Lawrie Park Place Crystal Park Palace Road SE26 6UG	£345,000	£86,250 (25% share)	1	£1197	£1322
2	Krueger House 102 Martins Road Shortlands BR2 0EF	£260,000	£104,000 (40%)	1	£897	£1322
3	1 Brosse Way Bromley Common BR2 8FF	£265,000	£159,000 (60%)	1	£945	£1322
4	Lawrie Park Place Crystal Park Palace Road SE26 6UG	£435,000	£108,750 (25% share)	2	£1469	£1574
5	Hardwick House Masons Hill BR2 9GW	£365,000	£146,000 (40%)	2	£1338	£1574
6	St Hilary's Court Stoneleigh Road BR1 2FU	£350,000	£105,000 (30%)	2	£924	£1574
7	Conway Close BR3 4GA	£365,000	£182,500 (50%)	2	£1152	£1574
8	Park View Orpington BR6 0GE	£300,000	£135,000 (45%)	2	£1197	£1574
9	1 Cray View Close Orpington BR53RD	£235,000	£152,750	2	£1034	£1574
10	Lawrie Park Place Crystal Park Palace Road SE26 6UG	£525,000	£131,250 (25%)	3	£1738 (slightly exceeds 40% net income)	£1670

Source www.sharetobuy.com/sharedownershipproperties
(February 2018)

Appendix 2

**Addendums to Council's SPD's – Affordable Housing (2008) and Planning
Obligations (2010)**

ADDENDUM (March 2018) TO COUNCIL'S:

**ADOPTED SUPPLEMENTARY PLANNING DOCUMENT
AFFORDABLE HOUSING (2008)**



The Council's agreed local Intermediate Housing Income Thresholds were reviewed in March 2018 and the following household income thresholds (upper limit) now apply to 1, 2 and 3 bedroom units for intermediate ownership products:

1 bedroom units	£55,000
2 bedroom units	£68,800
3 bedroom units	£73,400

The GLA upper limit of £90,000 applies to 4 bedroom units (intermediate ownership)

The GLA upper limit of £60,000 applies to intermediate rent products for all unit sizes as set out in the GLA's London Plan Annual Monitoring Report 2015/16 (July 2017).

ADDENDUM (March 2018) TO COUNCIL'S:

**ADOPTED SUPPLEMENTARY PLANNING DOCUMENT
PLANNING OBLIGATIONS (2010)**



The Council's agreed local Intermediate Housing Income Thresholds were reviewed in March 2018 and the following household income thresholds (upper limit) now apply to 1, 2 and 3 bedroom units for intermediate ownership products:

1 bedroom units	£55,000
2 bedroom units	£68,800
3 bedroom units	£73,400

The GLA upper limit of £90,000 applies to 4 bedroom units (intermediate ownership)

The GLA upper limit of £60,000 applies to intermediate rent products for all unit sizes as set out in the GLA's London Plan Annual Monitoring Report 2015/16 (July 2017).

Report No.
DRR18/030

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Thursday 21 June 2018

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

Title: BROMLEY COUNCIL RESPONSE TO THE DRAFT LONDON PLAN

Contact Officer: Gill Slater, Planner (Planning Strategy Team)
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Chief Officer: Chief Planner

Ward: All

1. Reason for report

- 1.1 A draft new London Plan was published by the Mayor for consultation in December 2017. A report to this committee summarised key aspects of the Consultation Draft and provided suggested comment for recommendation to the Executive who resolved that the Chief Planner, in consultation with the Leader, be authorised to prepare and submit the Council's response to the London Plan consultation to the Mayor of London.
- 1.2 The Council's response to the draft London Plan included the submission of the 26th January DCC report and the finalised agreed response (Appendix 1 to this report)

2. **RECOMMENDATION(S)**

- 2.1 That the committee note the Council response to the draft London Plan consultation and the process and timetable for the London Plan Examination in Public.

Impact on Vulnerable Adults and Children

1. Summary of Impact: No impact
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Corporate Policy

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

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Planning Division Budget (Excl. Building Control, Land Charges)
 4. Total current budget for this head: £ £1.525m
 5. Source of funding: Existing revenue budget for 2017/18 and 2018/19
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Personnel

1. Number of staff (current and additional): 64ftes
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

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

Procurement

1. Summary of Procurement Implications: No implications
-

Customer Impact

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

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

3. COMMENTARY

Background

- 3.1 A draft new London Plan was published by the Mayor for consultation in December 2017. The Mayor is required to have regard to the need to ensure that the London Plan is consistent with national policies and to consult in accordance with the [Greater London Authority Act 1999 \(as amended\)](#) (“the GLA Act”) and associated regulations.
- 3.2 When adopted the Plan will comprise part of the statutory development plan for Greater London, and, as part of Bromley’s Development Plan, will be used in decision making on planning applications along with the UDP/ Local Plan and Bromley Town Centre Area Action Plan.

Bromley Council Response to the draft London Plan Consultation

- 3.3 Development Control and Executive agreed that the report presented to them on 25th January and 7th February respectively be used as the basis of the Council’s response, with the final wording to be drawn up by the Chief Planner with the agreement with the Portfolio Holder for Renewal and Recreation and in consultation with the Chairman of the Development Control Committee.
- 3.4 Bromley’s response to the draft London Plan consultation (Appendix 1) was submitted to the Mayor accompanied by the committee reports.
- 3.5 The response details the concerns of the Council and sets out a number of fundamental aspects of the draft London Plan that the Council strongly objects to, notably
- the increase in housing targets, based on the principle of intensification, from 641 to 1,424 units per annum (one of the highest percentage increases in London);
 - the significant reliance on small sites to meet 72% of the overall housing target (Table 9.5 of the SHLAA) and the methodology employed to produce that figure;
 - the apparent failure to comply with the Duty to Co-operate in particular with Councils outside Greater London as there is no obvious housing provision towards London’s needs, despite the contents of the 2014 London Plan Inspector’s report;
 - the removal of the presumption against development on garden land;
 - affordable housing thresholds rising to 50% in some cases; and
 - less flexibility on parking standards.

London Plan Process and Timetable

- 3.6 Greater London Authority officers are currently registering all representations received, including that submitted by Bromley Council, and preparing a report which will summarise the main issues.

Prior to Examination in Public (EIP)

- 3.7 In accordance with the GLA Act, the Secretary of State has appointed a Panel to conduct an examination in public (“EIP”) of the London Plan. The Panel comprises Roisin Barrett, William Fieldhouse and David Smith. All three are Planning Inspectors and independent of the Mayor and Greater London Authority (“GLA”).
- 3.8 The Panel will, having regard to the representations, consult with the Mayor before preparing a draft list of matters and participants that will be published for consultation not later than 12 weeks before the opening of the EIP. The final list of matters and participants will be published at least 6 weeks before the EIP opens.

3.9 Written statements may be made on the matters to be examined both by those invited to participate in the EIP and others. Statements must be received by the Panel Secretariat at least 3 weeks before the opening of the examination. The Panel may hold seminars relating to a limited number of technical matters prior to the first EIP sessions in order to clarify the supporting evidence and establish matters of fact. Any such seminars would be held before the deadline for submission of written statements.

Examination in Public (EIP) November 2018 - March 2019

3.10 EIP sessions will take the form of structured discussions led by one or more of the Panel members relating to the defined matters. All participants will be expected to have read all the relevant statements and evidence. The Panel will adopt an inquisitorial approach, exploring each matter thoroughly. All participants will have the opportunity to speak, but all contributions must focus on the agenda set by the Panel.

3.11 The Mayor may suggest changes to the draft London Plan in response to the representations received, issues and questions raised by the Panel, or discussions at the EIP.

The Panel Report

3.12 The Panel will set out its findings in relation to the EIP matters and may include recommendations relating to the content of the draft London Plan will not respond to all representations made about the draft Plan. The Mayor can decide to accept or reject any of the recommendations but must send a statement of his reason to the Secretary of State who can direct changes. The London Assembly can decide to reject the whole plan but otherwise the Mayor intends to publish the New London Plan in Winter 2019/20.

Non-Applicable Sections:	Impact on vulnerable adults and children Policy implications Personnel implications Legal implications Financial implications Procurement implications
Background Documents: (Access via Contact Officer)	Draft London Plan 2017 BROMLEY'S RESPONSE TO THE DRAFT LONDON PLAN CONSULTATION (DCC 25 th January Executive 7 th February 2018)



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Sadiq Khan (Mayor of London)
New London Plan
GLA City Hall
London Plan Team
Post Point 18
FREEPOST RTJC-XBZZ-GJKZ
London SE1 2AA

2nd March 2018

Dear Mr Khan

London Borough of Bromley Representation to The London Plan Draft for Public Consultation – December 2017

Bromley Council's Executive of 7th February 2018 authorised the Chief Planner, in consultation with the Leader, be to prepare and submit the Council's response to the London Plan consultation to the Mayor of London by 2nd March 2018. This is now set out below and the full report is attached. Together, this is the Council's response. There are a number of fundamental aspects of the draft London Plan that the Council **strongly objects** to, notably

- the increase in housing targets, based on the principle of intensification, from 641 to 1,424 units per annum (one of the highest percentage increases in London);
- the significant reliance on small sites to meet 72% of the overall housing target (Table 9.5 of the SHLAA 2017) and the methodology employed to produce that figure;
- the apparent failure to comply with the Duty to Co-operate in particular with Councils outside Greater London as there is no obvious housing provision in the Wider South East towards London's needs, despite the contents of the 2014 London Plan Inspector's report;
- the removal of the presumption against development on garden land;
- affordable housing thresholds rising to 50% in some cases; and
- less flexibility on parking standards.

The main elements of Bromley Council's comments are summarised below. The full report as approved by the Executive is at Appendix One.



INVESTOR IN PEOPLE

Executive Director of Environment and Community Services, Nigel Jones

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The Government Standard

Chapter 1 – Planning London’s Future (Good Growth Policies)

Bromley Council objects to the impact of draft London Plan policies G2 – G4, on green spaces and the suburban character of Bromley. The London Plan should give strong protection to these valued environments.

The Council **strongly supports** the reaffirmation that existing green space designations should remain protected. As a borough with more than 50% open space, Bromley has a key role to play in the achievement of the ambition of 50% green cover across London (para 1.2.6).

Chapter 2 – Spatial Development Patterns

Strategic Framework

Bromley supports the recognition of the value of open spaces and the focus on previously developed land. However, **Bromley objects to the failure to recognise that** there is limited capacity for intensification of suburban areas without detrimental effects upon local communities, heritage, character and green infrastructure. It could also lead to a loss of much needed family housing and necessary amenity space for residents, particularly children. Intensification in areas without high levels of public transport would lead to additional pressure on the road network. This strategy does not accord with Para 1.2.7 which recognises the benefits of “distinctive character and heritage”.

Supporting London’s Growth

The Council objects to the deletion of the DLR extension to Bromley from TfL’s current Business Plan, it remains Bromley’s preferred option from Lewisham/Catford to Bromley South via Bromley North. This extension will form part of continuing discussions with TfL regarding the next draft of the Business Plan, and the Council will continue to press TfL to secure funding for this extension. See also representation on Policy T3, Chapter 10.

The “Wider South East” (WSE)

Policy SD2 – Collaboration in the Wider South East

Policy SD3 – Growth Locations in the Wider South East and Beyond

With the risks to existing communities and the environment of accommodating of an ever-growing population within the bounds of the Capital, Bromley Council **strongly objects** to the apparent failure to comply with the Duty to Co-operate in particular with Councils outside Greater London where there is no obvious housing provision towards London’s needs, despite the prompts of the 2014 London Plan Inspector’s report. This is in spite of the clear steer from the Report into the Further Alterations to the London Plan (FALP) para 57 where the Inspector advised

“In my view, the Mayor needs to explore options beyond the existing philosophy of the London Plan. That may, in the absence of a wider regional strategy to assess the options for growth and to plan and co-ordinate that growth, include engaging local

planning authorities beyond the GLA's boundaries in discussions regarding the evolution of our capital city."

The Council raises concerns regarding the Duty to Co-operate with the Wider South East (WSE) and objects to the failure of the draft London Plan to effectively seek 'shared solutions to the barriers to housing delivery' as indicated in draft London Plan Policy SD2E.

The 2014 Report into the FALP examined the various approaches proposed by the Mayor to address the housing need but cautioned that *'the strategy has significant and potentially serious implications for delivery and for existing communities which will have to face the consequences of intensifying development in the existing built up area.'*

The London Plan evidence base indicates summits with the Wider South East in attempts to seek less damaging housing delivery in the WSE, however, these have not led to effective results.

At the December 2016 (third summit) the minutes note *'The need for a more honest discussion about whether (or not) London can meet its own growth, and an explicit recognition by the Mayor that the South East has, and East of England have to accommodate their own growth pressures'*.

This engagement did not result in any proposals for the need in London to be addressed across the WSE and at the January 2018 (fourth summit) the discussion had shifted to *'the potential for London Boroughs to be more actively engaged in the work of the political steering group, given their role in helping the Mayor deliver against housing targets.'*

Policy SD6 – Town Centres

The continued focus on town centres for multiple uses is supported however it is important to recognise that not all town centres can accommodate higher density development without irrevocably changing their character. Boroughs should be able to determine which town centres are suitable for higher density development rather than there being a blanket assumption.

The residential conversions of retail and commercial frontages can have detrimental impact on high streets and the operation of Business Improvement Districts (BIDs). **Bromley objects to** Clause C of the policy which is not robust enough in this respect.

Policy SD7 – Town Centre Network

The Council **objects to** Policy SD7 clause G 1) and Annex A1.3 which indicates 'medium residential growth potential' for Petts Wood and West Wickham district centres. This 'medium' potential for residential growth is the same as indicated for Orpington which is a 'major' centre. This 'one size fits all' approach to residential growth should not apply in conservation areas or where additional residential development will negatively impact the character of an area. Petts Wood has very limited potential for residential growth with much of the surrounding roads designated

as an 'Area of Special Residential Character' (ASRC). Under this ASRC designation development proposals will be required to respect, enhance and strengthen the special and distinctive qualities of the area.

The "high" potential for residential and commercial growth in Bromley Town Centre is noted. This reflects the area's status as an Opportunity Area.

Policy SD8 – Town Centres: development principles and Development Plan Documents

The sequential approach to town centre uses is supported, **however, Bromley objects to** the introduction of residential development into out-of-centre retail and leisure parks due to the less accessible nature of these areas and their parking pressures.

Policy SD9 – Town centres: Local partnerships and implementation

With 7 potential town centres which would require Town Centre Strategies, there is concern about the resource implications of this requirement in Bromley. **Bromley objects to this blanket approach** and it is suggested that boroughs should be allowed to decide which town centres will benefit from this approach.

Chapter 3 – Design

Policy D1 – London's form and characteristics

Whilst the policy is generally supported there are **objections** relating to the understanding of 'optimising density' as outlined in Policy D6 below.

Policy D4 – Housing quality and standards

Bromley strongly objects to the deletion of an important element of Policy 3.5 – that is the presumption against development on back gardens or other private residential gardens. Gardens have been completely missed from the Consultation Draft Plan and do not even feature in the Green Infrastructure section. These spaces should be recognised and protected for their contribution to amenity, healthy lifestyles, biodiversity and habitat corridors, flood risk management, heritage and character.

The Council supports minimum dwelling size standards in principle but remains concerned that is not possible to apply this policy to conversions made under Prior Approval (particularly office to residential). Some residential units coming forward under the Government's scheme are well below the London Plan standard.

Policy D6 – Optimising Housing Density

The Council supports a design-led approach to development sites **but objects to the inference in** Para 3.6.1 that this approach will necessarily result in higher densities. Taking the local context and character into account, as required by other draft policies, may not lead to higher density development being the optimal solution.

Whilst Policy D6 references Policies D4 and D2 it does not reference Policy D1 which relates to the need for designs to respond to the local context. Policy D6 should therefore be strengthened in terms of the need for designs to respond to context and character and cross referenced to Policy D1 B.

Chapter 4 Housing

Policy H1 Increasing housing supply

The Council strongly objects to the increase in the housing target which is significantly more than double the existing target, as Fig 9.6 of the SHLAA indicates (a 122% increase over and above the existing target) The Council also objects to the reliance so significantly on small sites development and to the methodology used to derive the figure. (see response to small sites Policy H2) . The Council objects to the omission of a cross reference to Policy GG2(D) to make it clear that H1(B) is subject to GG2(D) restrictions on Green Belt, MOL etc. similar to NPPF paragraph 14.

Whilst the London Plan (2016) identifies 6410 units over the ten year plan period, Table 4.1 of the 2017 Draft London Plan indicates 14,240 over the ten year period.

The Council objects to the 677 unit per annum uplift for small sites. Paragraph 4.1.3 of the draft London Plan refers to a fundamental transformation that is required to deliver this significant step change in delivery.

Through participation in the London-wide SHLAA officers assessed sites of 0.25 ha or larger. This exercise resulted in realistic assumptions for sites of this size depending on a variety of site characteristics. All sites that are currently designated as Green Belt, Metropolitan Open Land and Urban Open Space were excluded (unless an extant planning permission existed for the site). Paragraph 4.1.7 states that the differences between different borough targets are a reflection of the variations in the constraints and opportunities affecting development on large sites and the capacity for development on small sites.

The Council **strongly objects** to the methodology used by the GLA to generate the small site target for boroughs which differs to that used in the 2013 SHLAA. The methodology uses a combination of trend data for certain types of development and an estimate of potential intensification in existing residential areas (paragraph 4.1.7). The small site 'target' for the borough has increased dramatically as a result of the revised methodology.

The phasing of large sites in the 2017 SHLAA (Appendix E) is based on when sites may be completed. It is considered that this does not adequately reflect the phasing submitted to the GLA by officers and is misleading compared to borough documents that include housing trajectories. It would be beneficial for the evidence to include the general phasing of whole sites to give a more detailed account of delivery on large sites.

Additionally Bromley objects to the tight timescale for commencement of such a step change in delivery.

See also below Council's response to Policy H2.

Policy H2 Small sites (<0.25ha)

The Council **strongly objects** to the proposed policy direction and methodology for sites of less than 0.25ha (or sites for 1-25 homes) linked to the objections to Policy H1, based on the 2017 GLA SHLAA methodology as referred to in paragraph 4.2.4 of the Draft London Plan. The policy approach results in the Borough's small site target increasing by 677 per annum from 352 units per annum to 1029 units per annum. The reasons are expanded upon below.

Small sites are more difficult to plan for in terms of their impact on social infrastructure and are also less likely to make a contribution to new social infrastructure.

The Inspectors report (para 55) into the Further Alterations to the London Plan (FALP) noted that the Mayor's population and household projections 2013 SHMA and SHLAA were based on good evidence and robust methodology. The previous methodology used in was based on past trends of completions on sites of less than 0.25ha over an eight year period. During the most recent SHLAA process boroughs were not consulted about the significant changes proposed as set out in the 2017 SHLAA evidence that have resulted in a three-fold increase of the figure for Bromley.

This methodology was instead developed after the SHLAA consultation, with the stated intention of sharing with boroughs at a later date for comment. The detail was not shared until the targets were announced late in r 2017 and therefore this consultation on the London Plan represents the only opportunity for Councils to provide feedback about the deliverability of the small sites targets. The Council's clear feedback it that this is an unrealistic target unsupported by evidence that it is achievable without setting aside other objectives of the London Plan and the principles of sustainable development set out in the NPPF.

Additionally this is no longer a housing supply monitoring target, but target for net housing completions. This makes Local Councils vulnerable to challenge for failure to meet targets that are outside their control. Whilst 'supply' relates to the deliverability of targets (the delivery and lapsing of individual sites), completions does not take into account of deliverability and therefore requires a further increase in development to make up for any lapse of permissions, outside the local authorities control.

The GLA small sites methodology assumes a 1% of the existing stock of houses will increase in density in areas which benefit from PTALs of 3 to 6 or area within 800m of a railway station or tube station or a town centre.

This simplistic approach fails to recognise the variation in accessibility provided by Central London tube stations and outer suburban rail stations (for example Chelsfield station with 4 - 6 trains hourly of which 2 – 3 to London). This variation in accessibility significantly affects the viability and realistic delivery of the theoretical level of development proposed by the London Plan.

Growth factors are then applied to the notional 1% - a factor of 3.23 to semi-detached and detached houses and a factor of 2.34 to terrace houses. Whilst justification on the basis of trend data is provided for the growth factors, there is no justification provided for the initial 1% figure – this is simply a ‘policy on’ assumption with no evidential basis that such increases in density are viable or achievable without significantly undermining other objectives of the London Plan and indeed adopted and draft Local Plans.

For example, Bromley’s adopted UDP (Policy H10) and draft Local Plan (draft Policy 44) designate ‘Areas of Special Residential Character’. The requirements of these designations, relating to respecting, complementing and, with regard to the draft Local Plan, enhancing the qualities of the areas, will involve the careful design of development proposals and should be factored into any assumed densities.

The lack of evidence undermines the realistic deliverability of the London Plan targets and the inevitable conflict between housing targets and the requirements of sustainable development will be likely to result in a significant increase in planning by appeal.

The reduction to 0.25% in conservation areas is noted, however, again there is no evidential basis to validate this figure.

Reference is made to the need for design codes but no advice is given in the supporting text on the status of such codes. Where a design code is not in place the presumption is in favour of approving small housing development unless there is an unacceptable level of harm to residential privacy, heritage assets, biodiversity or a safeguarded land use.

Other relevant policies in the Plan (including design policies) should be reflected in Clause E to ensure that future development on small sites respects its surroundings and does not adversely impact upon the residential amenity of existing and future occupiers.

Clause D, 2) d) specifies that one of the types of small housing development could be the infill development within the curtilage of a house. This could include the development of backland or garden land to which the Council strongly objects. See also comments in relation to Draft Policy D4 and the lack of reference in the consultation Draft Plan to any presumption against backland / private garden development in borough local plans.

The National Planning Policy Framework (NPPF) suggests that ‘*Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area*’ (para 53); clarifies that private residential gardens do not constitute previously developed land and advises in para 48 that they should not form part of windfall allowance in the five-year supply.

Small site development should be assessed in relation to: the impact on character, appearance and context of an area, no unacceptable loss of landscaping, natural

habitats, play space or amenity space and no adverse impact upon the residential amenity of future or existing occupiers. If a design code is not in place the criteria set out in clause E would not cover the latter aspects and could give rise to an unacceptable level of harm to residential privacy.

Clause H refers to boroughs seeking affordable housing contributions on sites of 10 units or less. Reference should be made to whether or not this is a viable option for boroughs within the supporting text.

Policy H3 Monitoring housing targets

The Council strongly objects to the uplift in the Borough's housing target as set out above and to the Policy H3 Monitoring Housing Targets.

A new policy relating to the monitoring of targets and support from the Mayor for boroughs is supported in principle. Of importance though is how the potential significant uplift in the housing target for the borough could impact upon the Council's five year housing land supply position in the early years following adoption of the Draft London Plan. Clarifications on the role of 'windfalls' and other London factors applying to London's Housing Land supply in the London Plan 2016 text supporting Policy 3.3 have been lost and should be reinstated.

As drafted the supporting text does not adequately provide enough guidance to boroughs on how a five year housing land supply could be calculated taking into account the significant uplift in small site targets.

It is acknowledged in paragraph 4.3.3 that the increased small site targets will take time to be delivered. It is therefore considered inappropriate and unrealistic for boroughs to be monitored against these targets until there is more certainty over the methodology that has calculated them and if housing delivery will occur along the lines envisaged in the 2017 SHLAA.

Policy H5 Delivering affordable housing

The Council **strongly objects** to the proposed 50% affordable housing target applicable across a range of sites. The seeking of such a high proportion of affordable housing will be undermined by viability issues, deter development and prevent homes being built.

The Council notes the overall approach in aiming to deliver an increased level of affordable housing across London, especially if grant is made available for relevant schemes / providers listed in the policy. This is crucial in light of schemes needing to demonstrate that they have sought to increase the level of affordable housing beyond the level that would otherwise be provided. Reference to the levels of funding likely to be made available or relevant programmes should be included within the supporting text of the policy.

There is some uncertainty though whether the fast-track route will incentivise developers not to enter into the viability tested route which could result in the planning process not being sped up.

Additional guidance is required in relation to off-site and cash-in-lieu circumstances.

Policy H6 Threshold approach to applications

The Council **objects** to Policy H6.

Clause D should make reference to the need for details of the Early Stage Review to be set out in a S106 agreement.

Application of Clause E could increase the need to use of independent consultants to assess viability on relevant schemes depending on the split of schemes between the Fast Track Route and the Viability Tested Route.

Reference should be made in paragraph 4.6.5 that where the 50% affordable housing threshold is not proposed then schemes will be subject to viability assessments. Clarification is need in relation to the last sentence that refers to 35% being an appropriate threshold on public land where 50% is agreed with the Mayor across the whole portfolio of sites. It may be appropriate in this instance to refer to the fact that some sites could be contributing more than 50% [as opposed to at least 50%].

Paragraph 4.6.9 highlights that applications for schemes of 150 units or more must evidence that they have sought to increase levels of affordable housing. Clause C 4) also refers to grant in relation to fast tracked schemes. It is suggested that grant is also referred to within Clause E. Clarification should also be made within paragraph 4.6.9 on whether it is only schemes that are 150 units or more that should seek grant or if this is relevant to all relevant schemes.

Policy H16 Gypsy and Traveller accommodation

The Council objects to the London specific definition of Gypsies and Travellers which will artificially increase the need within London compared to neighbouring authorities outside London. By addressing this higher need the effect will be to overprovide traveller pitches within London's boundaries relative to the surrounding area. Given the land intensive nature of traveller pitches relative to other forms of residential development this relative overprovision would be contrary to the sustainable use of land and detrimental to the requirements of the London Plan to deliver housing targets.

The Bromley Traveller Accommodation Assessment (2016) was prepared to support the draft Local Plan (currently at examination), in line with "Gypsy and Traveller Accommodation Needs Assessments Guidance (2007)" and the Governments Planning definition of Gypsies and Travellers.

Subject to the findings of the Inspectors report on Bromley's draft Local Plan. The identified need in Bromley over the next 10 years can be accommodated from within the proposed Local Plan allocations.

The Council objects, as it did in 2009, to the proposed 'fall back' targets for Boroughs who have not undertaken an assessment are set within the GLA Gypsy and Traveller Accommodation Topic Paper 2017.

The targets based on the 2008 GTANA and are skewed by a formulaic approach to psychological aversion applied to travellers living in bricks and mortar. Bromley has a significant settled (bricks and mortar) traveller community and therefore the formula produces artificially high targets and does not reflect the need experienced through Council waiting lists. The Council successfully made representations on this point during the development of the London Plan 2010 when the 'mid point approach' was considered, subsequently reduced and ultimately rejected altogether.

Chapter 5 Social Infrastructure

Policy S3 Education and Childcare Facilities

The Council **raises objections** to the failure of the policy to acknowledge the difficulty of finding sites for schools, particularly in a legislative environment where the Local Authority is no longer the provider of schools. The Council notes the site requirements in section B of the policy, but considers that these site specific requirements are most appropriately assessed by the Local Council who ultimately retain the duty to ensure the provision of places.

Policy S5 Sports and Recreation Facilities

There are numerous facilities in Bromley which are within the Green Belt. The Council objects to the removal of cross references Green Belt policies.

Chapter 7 Heritage and Culture

Policy HC7 Protecting Public Houses

Bromley objects to the length of marketing (24 months) which may have a negative impact in respect of vacancies, the character of the locality and on the vitality and viability of town centres.

Chapter 8 Green Infrastructure and the Natural Environment

Policy G1: Green infrastructure

Response:

Whilst The Council supports the principle of this policy which protects open green space, it is concerned that it does not address the particular contribution of private gardens to the aim of making London 50% green.

Policy G4: Local Green and Open Space

Response:

The Council supports the principle of G4 and clause A and welcomes the protection of non-strategic open space, which would include Urban Open Space, open spaces

and private gardens. However this appears to conflict with other policies in the draft London Plan that no longer presume to protect private residential gardens which make a valuable contribution to London's open spaces.

There is concern around the wording of the consultation London Plan policy in Clause D which opens up the possibility of designated Open Space to be built upon in areas where there is no deficiency in spaces in that category.

The title of the Policy may be ambiguous as it may seem to be making reference to the Local Green Space designation as introduced in the National planning Policy Framework and included in Bromley's Draft Local Plan which clearly is not the intention of this policy.

Chapter 9 – Sustainable Infrastructure

Policy SI9 – Safeguarded waste sites

The Council objects to the blanket retention of all existing permitted sites without caveat, particularly small privately managed sites and those in the Green Belt which include inappropriate but established uses. Should a site cease operation, re-providing that capacity in a more suitable location may not be possible within the Borough boundary and it is unclear how "appropriate compensatory capacity" could realistically be achieved.

Chapter 10 - Transport

Policy T1 - Strategic Approach to Transport

Policy T3 - Transport Capacity Connectivity & Safeguarding

The Council objects to the removal of references to enhanced rail access to Bromley via an Extension of the DLR in Table 10.1 and is and TfL's current Business Plan up to 2021. The Council is intending to safeguard land and route alignments for the DLR from Catford to Bromley South via Bromley North as per Draft Local Plan Policy 36 and will continue to press TfL to secure funding for this extension.

NOTE : Bakerloo Line Extension - Supporting London's Growth (page 34)

Transport for London submitted a representation on Bromley's Draft Local Plan in December 2016. TfL confirmed it was currently developing plans for a Bakerloo Line Extension, and whilst noted that the phase one extension from Elephant and Castle to Lewisham is included in TfL's business plan for delivery by 2028/9, the Council should reference the extension in Draft Local Plan Policies 35 and 36 to assist the onward delivery of the extension to the town centre and to Hayes alongside the safeguarding of land for the extension where new track is needed. This was reaffirmed in TfL's Hearing Statement in November 2017, which acknowledged that although the timescale for a potential extension beyond Lewisham is beyond the Local Plan period (2030), it would be appropriate to safeguard land and the route alignment where required.

Bromley responded by stating that TfL's current focus is an extension of the Bakerloo line to Lewisham. Beyond 2030 a future phase may be considered but this

is outside the life of the Draft Local Plan. However, Metroisation of services may influence any future phase.

The Council also acknowledged it has been working closely with TfL to identify parts of the network which will benefit from improvements which will reduce bus journey times. However, no projects have been identified in the Infrastructure Delivery Schedule (appendix 10.3) to be delivered over the life of the draft Local Plan.

Whilst the DLR extension to Bromley no longer forms part of TfL's current Business Plan, it remains Bromley's preferred option from Lewisham/Catford to Bromley South via Bromley North. This extension will form part of continuing discussions with TfL regarding the next draft of the Business Plan, and the Council will continue to press TfL to secure funding for this extension.

Policy T6 Parking

Policy T6.1 Residential Parking

Bromley objects strongly to the top down approach to residential car parking standards:

- Policy T6 A - "*car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity*" as there is potential for significant under-provision of car parking. If car parking provision for new residential development were to be based on potential transport investment, then should that provision fail to materialise, developments will be built with abysmal levels of parking. As a result, residents will be forced to park in surrounding roads and will exacerbate parking misery.
- Policy T6 H - "*Outer London boroughs wishing to adopt minimum residential parking standards through a Development Plan Document (within the maximum standards set out in Policy T6.1 Residential parking) must only do so for parts of London that are PTAL 0-1.*" This should go beyond PTAL 0-1 and be extended to PTALs 2 and 3. Minimum levels of parking for residential development are required in order to ensure new developments do not generate additional intrusive or obstructive on-street parking as a result of inadequate provision.
- Table 10.3 Maximum Residential Parking Standards -

The proposed Table 10.3 is a particular concern for the Council. Bromley has a higher car ownership per household than the Outer London average. Bromley exceeds the average of households owning 2 or more cars by 5%, and 3 or more cars by 1%. Compared to the Greater London average, there are 10% more households in Bromley with two or more cars. The Council therefore maintains its position that boroughs are best placed to decide the appropriate parking standards for their areas given their detailed knowledge and understanding of the issues, and the nature of the localities.

Bromley's parking survey also found that car ownership across the developments surveyed was 1.18 cars per household (higher than the 1.15

Borough average from the 2011 census). There is a higher car ownership in wards with lower average levels of public transport accessibility. Wards in the south of the borough, including Biggin Hill, Darwin, and Chelsfield & Pratts Bottom, have the highest levels of car ownership at above 1.5 cars per household. When considering PTAL zones, previous surveys have found that the average range of vehicle ownership in the Borough falls between 0.7 (6a) and 1.1 (2). With no underground stations within the Borough, and PTALs failing to reflect the accessibility for the journeys that the local residents need to undertake to local facilities and services, they are a poor indicator of public transport accessibility for residents in these areas.

Policy T6.2 Office Parking

Table 10.4 Maximum Office Parking Standards

Bromley objects to the proposed parking provision applied to Outer London Opportunity Areas.

Policy T9 Funding Transport Infrastructure through Planning

The Council objects to the level of the Mayoral CIL set to increase in Bromley from £35 to £60 per square metre. The Council objected separately to the CIL consultation (last summer).

In conclusion, Bromley Council raises objections to the draft London Plan and wishes to be represented at the Examination in Public. Nevertheless, if further discussion in the meantime may assist, please make contact.

Yours sincerely



Jim Kehoe
Chief Planner

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