



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

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DATE: 10 March 2020

To: Members of the
DEVELOPMENT CONTROL COMMITTEE

Councillor Alexa Michael (Chairman)
Councillor Yvonne Bear (Vice-Chairman)
Councillors Vanessa Allen, Katy Boughey, Mark Brock, Kevin Brooks, Peter Dean,
Simon Fawthrop, Christine Harris, William Huntington-Thresher, Charles Joel,
Russell Mellor, Tony Owen, Angela Page, Richard Scoates, Melanie Stevens and
Michael Turner

A meeting of the Development Control Committee will be held at Bromley Civic
Centre on **WEDNESDAY 18 MARCH 2020 AT 7.30 PM**

MARK BOWEN
Director of Corporate Services

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

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

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

A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

In accordance with the Council's Constitution, questions that are not specific to reports on the agenda must have been received in writing 10 working days before the date of the meeting.

Questions specifically relating to reports on the agenda should be received within two working days of the normal publication date of the agenda. Please ensure that questions specifically relating to reports on the agenda are received by the Democratic Services Team by **5 pm on Thursday 12 March 2020.**

- 4 **CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 28 JANUARY 2020** (Pages 1 - 14)
- 5 **MATTERS OUTSTANDING FROM PREVIOUS MINUTES** (Pages 15 - 18)
- 6 **PLANNING APPLICATION (19/01670/FULL1) - THE PORCUPINE, MOTTINGHAM ROAD, MOTTINGHAM SE9 4QW (MOTTINGHAM AND CHISLEHURST NORTH WARD)** (Pages 19 - 54)
- 7 **PLANNING APPLICATION (19/04644/FULL1) - NATIONAL WESTMINSTER BANK SPORTS GROUND, COPERS COPE ROAD, BECKENHAM BR3 1NZ (COPERS COPE WARD)**
(Report to follow)
- 8 **PLANNING APPLICATION (18/05599/FULL1) - LAND REAR OF TESCO STORES, EDGINGTON WAY, SIDCUP (CRAY VALLEY EAST WARD)** (Pages 55 - 88)
- 9 **PLANNING APPLICATION (05/01919/HAZREV) - B G TRANSCO SITE, SEVENOAKS WAY, ORPINGTON (CRAY VALLEY WEST WARD)** (Pages 89 - 94)
- 10 **BECKENHAM TOWN CENTRE CONSERVATION AREA APPRAISAL** (Pages 95 - 122)
- 11 **TOWN CENTRE PLANNING POLICY STRATEGY: BROMLEY AND ORPINGTON** (Pages 123 - 132)
- 12 **FIRST HOMES CONSULTATION - SUMMARY AND KEY IMPLICATIONS** (Pages 133 - 170)
- 13 **AUTHORITY MONITORING REPORT 2017/18 AND HOUSING STATISTICAL UPDATE** (Pages 171 - 220)
- 14 **APPEAL DECISIONS - MAJOR APPLICATIONS** (Pages 221 - 264)
- 15 **PLANNING SERVICE IMPROVEMENTS** (Pages 265 - 306)
- 16 **COUNCILLOR PLANNING APPLICATION 'CALL-INS'** (Pages 307 - 312)

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 28 January 2020

Present:

Councillor Alexa Michael (Chairman)
Councillor Yvonne Bear (Vice-Chairman)
Councillors Vanessa Allen, Katy Boughey, Mark Brock,
Kevin Brooks, Peter Dean, Simon Fawthrop, Christine Harris,
William Huntington-Thresher, Charles Joel, Russell Mellor,
Tony Owen, Angela Page, Richard Scoates, Melanie Stevens
and Michael Turner

46 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for lateness was received from Councillor Kevin Brooks.

47 DECLARATIONS OF INTEREST

Councillor Joel declared a non-pecuniary interest in Item 6 as he was connected with the Chairman of the Crockenhill Parish Council. Councillor Joel remained in the room but did not take part in the vote.

Councillors Fawthrop, Owen and Page declared non-pecuniary interests in Item 9 as they were acquainted (through the Orpington Conservative Club) with the local resident speaking in objection to the application.

Councillor Scoates declared a non-pecuniary interest in Item 9 as a close relative resided in the area. He remained in the room but did not vote.

In regard to Item 9, Councillor Huntington-Thresher informed Members that he had attended as a visiting Member to speak in objection to the application when it was previously considered at the Plans 4 Sub-Committee meeting on 5 December 2019 and he wished to do the same on this occasion.

As a result, Councillor Huntington-Thresher stood down as a Committee Member for Item 9 and only spoke as a visiting Member to the application. He remained in the room but took no part in Members' discussion and did not vote.

48 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

**49 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON
26 NOVEMBER 2019**

RESOLVED that the Minutes of the previous meeting held on 26 November 2019 be confirmed and signed as a correct record.

50 MATTERS OUTSTANDING FROM PREVIOUS MINUTES

RESOLVED to note that all actions outstanding from previous meetings had been completed.

**51 PLANNING APPLICATION (17/01564/FULL1) - BOURNEWOOD
SAND AND GRAVEL, SWANLEY BYPASS, SWANLEY BR8 7FL
(Cray Valley East Ward)**

Description of application – Variation of Condition 1 of planning permission ref. 10/00657/VAR (allowed at appeal under PINS ref. APP/G5180/A/11/2145860) to permit continued extraction of Thanet Sand until 31 March 2020 and restoration and re-contouring with inert waste until 14 January 2021, with associated access, buildings and structures to remain until 14 January 2021.

The Assistant Director, Planning summarised the report in a brief presentation to Committee as follows:

- The application was made to extend the life of the quarry to allow sufficient time to complete the extraction and infilling.
- The applicant had not responded to any communication from the Council since a site visit was made in September 2019, including requests for a progress update.
- Officers fully appreciated local concerns about the quarry and the impact it had for many years on the area. In the first appeal decision in 1996, the Council raised concerns about the potential for a marginal, drawn-out operation. In 2011, an appeal against refusal for the continuation of operations was lost, although the Council had been successful in winning appeals against the expansion of activities at the site such as the sale of materials.
- Views regarding impacts were based on proposed timescales rather than any further extension. If granted permission, it was intended to take enforcement action following the expiry of the permission with the ultimate goal of the restoration of the site as envisaged.
- The recommendation and conditions were pursuant to Counsel's advice sought by Officers to inform an overall strategy for the site to achieve the goal of restoration.
- The key point of the legal advice was that if the Council wished to enforce against the operation following the expiry of the permission, Officers were advised very strongly that this would be more likely to achieve the end goal of ensuring the site was restored by imposing a new set of conditions

with the application rather than relying on less suitable conditions on the previous permission.

Taking the above into account, the application was recommended for permission, subject to detailed conditions. The Greater London Authority had confirmed it had no objection with the Council determining the application.

While Committee Member and Ward Member Councillor Bear would like to have seen the original conditions complied with, she moved that the application be permitted subject to the proposed conditions and informatives set out in the report, together with additional conditions and clarification as follows:-

- No further extensions would be considered in regard to the deadlines listed in the application.
- The Council would monitor the key dates and, if not complied with, enforcement action would be taken.
- Full clearance and restoration of the site should be carried out by 14 January 2021.
- Clarify point 14 by adding that restoration details should be agreed with the Council verifying that there had been no contamination of the land by the infill carried out within an agreed period.
- No processing should take place on site.
- There shall be no access from Hockenden Lane which should be closed off to the Council's satisfaction.
- The site must be fully restored to Green Belt by 14 January 2021.

Councillor Fawthrop seconded the motion that the application be permitted and requested a condition be added to remove Permitted Development rights from the site.

Having considered the report, objections and representations, Members RESOLVED that PERMISSION BE GRANTED as recommended, subject to the conditions and informatives set out in the report of the Assistant Director (Planning) with the addition of further conditions and amendments as set out above.

52 PLANNING APPLICATION (18/05599/FULL1) - LAND REAR OF TESCO STORES, EDGINGTON WAY, SIDCUP (Cray Valley East Ward)

Description of application – Construction of 13 units to be used for Use Classes B1(c), B2 and B8 together with access from Edgington Way, Sidcup and creation of access from the Fitzroy Business Park, car parking and associated works.

Oral representations from the applicant's agent in support of the application included the following points:-

- This high quality scheme was structured in a way that no planning conditions would delay the commencement of the development.
- The scheme would not become a through run for traffic as the dual access routes were not connected.
- Pre-application consultation had taken place with various key organisations to resolve immediate issues with design and development.
- Further consultation was undertaken with Natural England, Kent Wildlife Trust and Ruxley Nature Reserve Group.
- All feedback provided was considered.
- The provision of 156 car parking spaces included electric vehicle car charging spaces, disabled bays and cycle parking. The parking provision was higher than the recommended London Plan standards.
- All parking would be on site leaving the Sandy Lane area clear for passing traffic.
- The scheme would improve the Borough's industrial offer.

In response to a question raised by Councillor Fawthrop, the agent confirmed that in accordance with the London Plan, the scheme currently proposed 20% active and 20% passive electric vehicle charging points. Consideration could be given for 20% active and 80% passive to be provided.

The Development Management Area Team Leader summarised the report in a brief presentation to the Committee which included the following:

- Site photographs and a site plan had been circulated to Members.
- Updated modelling data was provided on 19 December 2019 and 27 January 2020. These had been reviewed by TfL, Bexley Highways Officers and Bromley Highways Officers and no objections were raised.
- Further to discussions with TfL and Bexley Highways Officers, there was no longer a requirement in the application for the "reviewing and revising of road markings for the A223 Edgington Way/Tesco access" as set out in the heads of terms.
- Further objections received from a local business owner were circulated to Members.
- The proposed site was 2.17 ha and was located south of the Tesco Sidcup Superstore.
- Planning permission was sought for the construction of 13 good quality B1(c), B2 and B8 units created in the form of 6 blocks with a total gross external area (GEA) of 11,190m². Unit sizes varied from 1,803m² to 355m². The units would consist of a steel portal frame construction with a height of approximately 10m.
- The proposed development provided 156 on-site car parking spaces including 13 disabled spaces, 32 spaces with active electric vehicle charging points (20% of the total) and a further 32 spaces with a passive provision for future electrification.
- A new access from Edgington Way and Fitzroy Business Park was proposed.
- The site was located within the Cray Business Corridor (Foots Cray), which was recognised as a Strategic Industrial Location (SIL) and as such the

principle of development was policy compliant and appropriate in this designated employment area.

- In addition, the proposal would bring a long-standing, underutilised site back into an industrial/commercial use in accordance with NNPF, London Plan and local policy aspirations.
- It was considered that no unacceptable impact would arise to neighbouring occupiers or highways.
- The application was recommended for permission, subject to conditions and the prior completion of a S106 legal agreement.

In opening the debate, Committee Member and Ward Member Councillor Bear welcomed the provision of the proposed units. However, she reported there were extensive objections to the access route via the Fitzroy Business Park. While Sandy Lane could deal with additional traffic, on-street parking was fully used by all the existing units and therefore became a single track road during peak hours. Traffic also built up at the junction to Ruxley Corner roundabout with delivery vehicles and customers wishing to turn into the Selco site. Councillor Bear requested that further work be carried out by the Highways Team to assess Sandy Lane's capacity to deal with additional traffic.

Fitzroy Business Park was a private industrial estate which closed overnight with traffic at a minimum. However, should the proposal be permitted, it would be in constant use throughout the day and would need to remain open 24 hours a day to allow vehicular access to the proposed new units and this raised security issues. Councillor Bear requested sight of confirmation from the freeholders of Fitzroy Business Park that they agree to the proposals.

Councillor Bear moved that the application be deferred. Councillor Page seconded the motion.

Having considered the report, objections and representations, Members RESOLVED that the application be DEFERRED without prejudice to any future consideration for the following reasons:-

- 1 For further work to be carried out by the Highways Team to assess Sandy Lane's capacity to deal with additional traffic.
- 2 To seek confirmation from the freeholders of Fitzroy Business Park that they agree to the proposals; and
- 3 To seek the provision of 20% active and 80% passive electric vehicle charging points.

53 PLANNING APPLICATION (18/05600/FULL1) - LAND REAR OF TESCO STORES, EDGINGTON WAY, SIDCUP (Cray Valley East Ward)

Description of application – Construction of 13 units to be used for Use Classes B1(c), B2 and B8 together with car parking and associated works with access from Edgington Way, Sidcup.

Oral representations from the applicant's agent in support of the application included the following points:

- Thorough pre-application consultation had taken place with various key organisations to resolve any immediate issues with design and development.
- All feedback provided was considered.

In response to Member questions, the agent advised that the land associated with the proposal was entirely owned by the applicant except for a small piece of land which would provide access through the Fitzroy Business Park. He confirmed that the freeholder of the Fitzroy Business Park had been notified of the application.

The duty to notify adjacent land owners i.e. Tesco fell to the Local Planning Authority. To his knowledge, Tesco was consulted.

The Development Management Area Team Leader summarised the report in a brief presentation to the Committee which included the following:-

- Site photographs and a site plan had been circulated to Members.
- Further to discussions with TfL, Bexley and Bromley Highways Officers, Bexley had requested a condition be added requiring *a scheme to increase vehicular capacity of the right turn lane along Edgington Way leading into the Tesco access road to be submitted to the Local Authority and a S278 agreement for any highway works subsequently required.*
- Further objections from a local business owner had been received and circulated to Members.
- This application was broadly similar to item 8 except that this application was for a single access via Tesco.

Committee Member and Ward Member Councillor Bear advised that in principle, she had no objection to the scheme going ahead with access through Edgington Way and moved that the application be approved. The Chairman seconded the motion.

Councillor Fawthrop requested that a condition be added that 100% (20% active, 80% passive) electric vehicle charging points be provided.

Having considered the report, objections and representations, Members RESOLVED that PERMISSION BE GRANTED SUBJECT TO THE PRIOR COMPLETION OF A SECTION 106 LEGAL AGREEMENT as recommended and subject to the conditions and informatives set out in the report of the Assistant Director (Planning). A further condition was added for 100% electric vehicle charging points (20% active and 80% passive) to be provided.

**54 PLANNING APPLICATION (19/01345/FULL1) –
146 CHARTERHOUSE ROAD, ORPINGTON BR6 9EU
(Orpington Ward)**

Description of application – Demolition of 5 existing houses and associated structures and erection of 28 residential units comprising an apartment block with 9x1 bed and 11x2 bed units and 8x3 bed houses together with basement car parking with access from Saltwood Close, surface level car parking, cycle parking, refuse and recycling facilities and associated landscaping.

Oral representations from a local resident in objection to the application raised the following issues:

- The scheme had not been reduced in size as requested.
- The overall development was not in keeping with the surrounding area.
- The three storey building would overlook Nos. 2-14 Winchester Road.
- Local residents would prefer a scheme consisting of terraced houses with gardens.
- The junction by the BP garage was very busy and especially dangerous to parents walking their children to school.

Oral representations from the applicant's agent in support of the application included the following points:

- The site was currently underused.
- The scheme consisted of high quality new homes much needed for young professionals and young families.
- 33 parking spaces would be provided, the majority to be located in a basement car park.
- The scheme supported the aim of redevelopment of small sites.
- A CIL contribution would be made.
- There would be passive provision of electric vehicle charging points.
- None of the units would be used as HMOs.
- A help-to-buy scheme would be made available.
- The development was only marginally viable due to the high land value which was more than twice that envisaged by the Council.

In response to a question from Councillor Boughey, the agent explained that the provision of 35% affordable housing could not be factored into the scheme because the existing land value equated to more than twice the value

envisaged when the Council looked into the viability process. However, a sum of £99,000 would be paid as a contribution to affordable housing.

Councillor Page asked why the applicant had designed a scheme that was so out of keeping with the character of the area. The agent advised that Saltwood Close included a flatted development area whereas Charterhouse Road consisted of more suburban-type properties. The proposed scheme therefore complemented the current layout of mixed dwellings.

The Development Management Area Team Leader summarised the report in a brief presentation to the Committee which included the following:-

- Site photographs, site plan and CGI from the application submission were circulated to Members.
- Planning permission was sought for the demolition of a total of 5 existing detached and semi-detached houses.
- Erection of a 3 storey block of 20 flats located at the junction of Winchester Road/Charterhouse Road and Saltwood Close.
- Erection of a terrace of 3 bedroom houses comprising 4x3 storey units and 1x2 storey unit facing Saltwood Close.
- Erection of a terrace of 3 x 2 storey houses facing Winchester Road
- A total of 28 residential units.
- The application would provide a net increase in housing which was a meaningful contribution of 23 additional units towards the housing supply in the Borough.
- The application had been assessed against the relevant policies of the local plan and all other material considerations. The layout, form, scale and appearance of the development was acceptable and would not have a significantly adverse impact on the local character of the area or the street scene.
- Details of the standard and quality of accommodation including mix, unit size, accessible units, daylight and sunlight and noise were considered to be acceptable and together with the form of development.
- The impact on the amenities of existing residents close to the site and representations received had also been taken into account and it was not considered that the development would lead to a significant loss of residential amenity.
- In addition, the development would provide health, education and affordable housing financial contributions and a contribution towards the Orpington to Green Street Green Cycle route.
- The application was recommended for permission, subject to conditions and the prior completion of a S106 legal agreement.

Oral representations from visiting Member Councillor William Huntington-Thresher in objection to the application were received at the meeting and included the following points:-

- The delivery of an average of 121 dwellings per hectare was above the density range specified in the matrix.

- The development exceeded policy guidelines in relation to the number of units and habitable rooms per hectare.
- The scheme did not respect the current building line and would result in a complete change of character to the area.
- While he was not against redevelopment of the site, any scheme would need to accord with guidelines and be in keeping with the surrounding area.
- The development was backland/garden development and would result in loss of character, amenity space and landscaping.
- The affordable housing provision was not met due to the financial cost of the underground car parking.

While Councillor Fawthrop welcomed the applicant's willingness to provide 100% electric vehicle charging points, he considered the scheme did not contribute positively to the character of the area. There were ways to design a more attractive site which could still provide a profit for the applicant.

Councillor Fawthrop moved that the application be refused on the grounds of density matrix not complying with that suggested in the London Plan Policy 3 – Back garden development and Policy 4 – Design, in that the scheme did not contribute positively to the character of the area.

Although Councillor Dean had previously considered the application at the time of deferral and had not supported the scheme, he advised that strong, sustainable reasons would be required for Members to refuse the application. The main objections were density and the fact that the scheme was out of character with the surrounding area. In his opinion, the density issue could be overridden by the fact that the Council had a requirement to improve its housing supply in Bromley and this application would bring an additional 23 units, specifically aimed at young professionals and young families with the aid of a help to buy scheme. This would overcome the density issue in the final analysis. He considered the Council would not be successful at appeal stage should Members choose to refuse the application. Councillor Dean therefore moved that permission be granted.

Councillor Brooks was disappointed with the proposals in terms of non-provision of affordable housing and the unattractiveness of the design. However, he doubted that the application could be refused on merit as there were no material planning considerations. He encouraged Members to listen to the advice of planning officers. Councillor Brooks seconded the motion for permission.

Councillor Joel supported the application. In an effort to avoid Orpington becoming a ghost town, attempts were being made to turn it into a major town centre. In this regard, an increase in the number of dwellings in the area could contribute to the creation of jobs and trade within the town centre. Underground car parking was a very expensive exercise and should be welcomed as the extra cars would be hidden from view. The proposed houses would have their own amenity space with some having front gardens

while flats would have balconies. This would comply with the requirements of housing standards.

Councillor Turner seconded the motion for refusal. There was very little to commend the scheme. In his view, Members' hands should not be tied as to whether or not the Council may lose an appeal.

Councillor Owen agreed that the scale and mass of the development was completely out of keeping with the area and supported refusal of the application.

In stating that the design of the development was subjective and therefore not a material planning consideration, Councillor Allen supported the application and urged Members to take into account the planning officer's comments and recommendations.

Having considered the report, objections and representations, Members RESOLVED that PERMISSION BE REFUSED on the grounds of density, Policy 3 – Back garden development and Policy 4 – Design, in that it did not contribute positively to the character of the area.

55 PLANNING APPLICATION (19/01670/FULL1) - THE PORCUPINE, MOTTINGHAM ROAD, MOTTINGHAM SE9 4QW (Mottingham and Chislehurst North Ward)

Description of application – Full planning permission for the demolition of the existing public house and erection of an A1 retail foodstore, with associated car parking, reconfigured site access, landscaping, servicing and other associated works.

THIS REPORT WAS WITHDRAWN BY THE ASSISTANT DIRECTOR, PLANNING.

56 PLANNING SERVICE IMPROVEMENTS

In respect of continuous service improvements to the Planning Service, Members considered the new committee report template to be used for planning applications submitted to future Plans Sub-Committee and Development Control Committee meetings.

Consideration was also given to the draft Local Planning Protocol for referral of reports to General Purposes and Licensing Committee, Executive and Full Council for adoption as part of the Council's Constitution.

Members were requested to ensure that full planning reasons were given when requesting call-in of planning applications.

Following consultation with the Chief Legal Officer, the Assistant Director, Planning reported that recommendation 2 set out on page 175 of the report be amended to read:

'Members are asked to agree the draft Local Planning Protocol for referral on to meetings of the Standards Committee on 12 March 2020, Development Control Committee on 18 March 2020 and Full Council on 27 April 2020 for adoption as part of the Council's Constitution.'

Members were advised that having reviewed paragraph 4.5 of the Protocol with legal officers, it was agreed the wording be amended to read:

'4.5 It may be useful for committee members to visit a site to familiarise themselves without prior to consideration of an application at committee. Any informal visit should be carried out discreetly and if Members do encounter an applicant or neighbour, they should ensure there is no risk of this leading to the perception that they were no longer impartial i.e. by expressing a particular view.'

Referring to detailed conditions attached to an application, Councillor Fawthrop requested that a standard set of conditions be provided to the Committee and that the full text of any non-standard conditions be included in future reports.

Councillor Owen was pleased with the new report template which was helpful to all Members whether or not they sat on Planning Sub-Committees or DCC.

Councillor Joel asked if Members were able to contact case officers if they had any queries in regard to planning applications. The Assistant Director, Planning confirmed that case officers would always make themselves available for that purpose.

Recommendation 19 relating to training proposals was currently a work in progress and further information should be available before the next DCC meeting.

It was reported that not all Members call-in requests included clear planning reasons. Councillor Huntington-Thresher requested guidance be circulated to Members on how to make a call-in request without being seen as pre-determining an application. The Assistant Director, Planning advised that a resident contacting a Member about particular aspects of an application was a good enough, clear reason. Another way was to set out the planning issue without giving a view on it i.e. 'design or density issue'.

Councillor Fawthrop asked if planning officers contacted Members who failed to give clear reasons, to remind them to do so as just simply accepting the call-in would likely lead to more of the same. He suggested that a gentle reminder from officers would be helpful. The Assistant Director, Planning confirmed that officers did contact Members.

It was agreed that the above matter would be looked at in further detail and brought to Committee for consideration at a future date.

Councillor Joel asked if the Planning Department could notify Ward Members and invite them to pre-application meetings. The Assistant Director, Planning would welcome input from Members at that stage and suggested meetings be arranged to take place following DCC Committee meetings.

Members were invited to submit comments on the draft Planning Protocol to the Planning Department. The Protocol would be submitted for further considered at the DCC meeting in March 2020.

Councillor Bear requested that a direct reference be made to the new Probity in Planning guidance to state explicitly that the Council's Planning Protocol reflected the key principles and practices as advocated.

It was suggested that a call-in form be designed to ensure that clear reasons were included when Members submitted call-in requests.

Councillor Owen referred to page 187 of the Probity in Planning document relating to Councillor and Officer Conduct and in particular the section on integrity which stated that 'holders of public office should not act or take decisions in order to gain financial or other material benefits for themselves.' Councillor Owen asked whether any Member had transgressed in this regard and if so, what was the penalty. The Legal officer advised that it would be a criminal offence should a pecuniary interest in a contract (for example) not be declared by a Member.

Councillor Allen reported that complaints re Councillor conduct were dealt with by Officers and the Standards Committee was given a report. When she attempted to raise issues in regard to call-ins etc., she was told this was a DCC matter and yet DCC were now saying it was a matter for the Standards Committee. The Legal Officer confirmed he would raise this issue with the Director of Resources.

Following further discussion and a subsequent vote, Members agreed it was not necessary for a simple form to be designed for use by Councillors when calling in applications.

RESOLVED that:

- 1) the new committee report template for planning applications to be used for all Plans Sub-Committee and Development Control Committee meetings be approved subject to a standard set of conditions being provided to the Committee and the full text of any non-standard conditions being included in future reports;**
- 2) the draft Local Planning Protocol for referral on to meetings of the Standards Committee on 12 March 2020, Development Control Committee on 18 March 2020 and Full Council on 27 April 2020 for adoption as part of the Council's Constitution be agreed subject to the amendment of paragraph 4.5 as reported above. It was further resolved that a direct reference be made back to the new Probity in**

Planning to explicitly state that the Council's Planning Protocol reflected the key principles and practices as advocated; and

- 3) full planning reasons be given by Members when requesting call-in of planning applications.**

57 DEVELOPMENT MANAGEMENT TEAM PERFORMANCE

The report provided a quarterly update on the performance of the Development Management (Planning Applications) team and included enhanced information on:-

1. the number of applications received and determined;
2. the speed of decisions;
3. applications received by category; and
4. the number of major applications determined.

RESOLVED that the report be noted.

58 PLANNING APPEALS QUARTERLY MONITORING REPORT - OCTOBER 2019 TO DECEMBER 2019

Report DRR20/005

Members considered an overview of planning appeal decisions since 2016, together with a more detailed analysis of the period between 1 April 2019 to 31 December 2019.

RESOLVED that the report be noted.

59 DELEGATED ENFORCEMENT ACTION (OCTOBER 2019 TO DECEMBER 2019)

Report DRR20/006

Members were advised of enforcement action taken under Delegated Authority for alleged breaches of planning control during the period October-December 2019.

RESOLVED that the report be noted.

60 LONDON PLAN UPDATE

Report DRR20/015

The report provided Members with an update on the progress of the draft new London Plan following its Examination in Public in 2019.

Councillor Fawthrop suggested that the Chairman of DCC write formally to the Secretary of State to object to approval of the London Plan in regard to removal of garden protection and the 800m car free zone within a transport hub.

RESOLVED that:-

- 1) the 'Intend to Publish' version of the London Plan and the timescale for the next steps in the London Plan process be noted; and**
- 2) the Chairman of DCC write formally to the Secretary of State to object to approval of the London Plan in regard to removal of garden protection and the 800m car free zone within a transport hub.**

The meeting ended at 9.21 pm

Chairman

Report No.
CSD20050

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **Development Control Committee**

Date: **Wednesday 18 March 2020**

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

Title: **MATTERS OUTSTANDING FROM PREVIOUS MINUTES**

Contact Officer: Mark Bowen, Director of Corporate Services
Tel: 020 8313 4355 E-mail: mark.bowen@bromley.gov.uk

Chief Officer: Director of Corporate Services

Ward: N/A

1. Reason for report

For Members to monitor progress against actions outstanding from previous meetings.

2. **RECOMMENDATION**

That Members note the report.

Impact on Vulnerable Adults and Children

1. Summary of Impact: None
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Corporate Policy

1. Policy Status: Existing Policy. The Committee will be regularly updated on matters outstanding from previous meetings.
 2. BBB Priority: Excellent Council.
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Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: N/A
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £358,740
 5. Source of funding: 2019/20 revenue budget
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Personnel

1. Number of staff (current and additional): There are 8 posts (6.79 fte) in the Democratic Services Team.
 2. If from existing staff resources, number of staff hours: Monitoring the Committee's matters outstanding can take up to two hours per meeting.
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Legal

1. Legal Requirement: No statutory requirement of Government guidance.
 2. Call-in: Not applicable. The report does not involve an executive decision.
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Procurement

1. Summary of Procurement Implications: N/A
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The report is intended primarily for Members of this Committee
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Ward Councillor Views

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

3. COMMENTARY

Annex A provides updates on progress achieved in regard to requests made by the Committee at previous meetings. Following each meeting, required actions are listed and monitored to ensure that any outstanding issues are addressed in a timely fashion.

As outlined in Appendix A, all matters outstanding have been completed.

Non-Applicable Sections:	Impact on Vulnerable Adults and Children, Policy, Financial, Personnel, Legal and Procurement Implications.
Background Documents: (Access via Contact Officer)	

PROGRESS ON MATTERS OUTSTANDING FROM PREVIOUS MEETINGS

<u>Minute Number/Title</u>	<u>Updates/Feedback Requested</u>	<u>Action By</u>	<u>Current Status</u>
<p>Minute 56 – 28.01.2020 Planning Service Improvements</p>	<p>Further consideration be given to Member call-in requests (in particular ways to enable Members to give clear reasons without being seen as pre-determining applications).</p>	<p>Assistant Director (Planning)</p>	<p>Ongoing consideration given in future reports. Action completed.</p>

London Plan update - note for Development Control Committee **18/03/2020**

The report to Development Control Committee dated 28th January 2020 provided an update on the draft new London Plan¹. At this time, the Mayor was awaiting a response from the Secretary of State (SoS), including any directed changes; and the draft new London Plan had not yet been considered by the London Assembly.

The London Assembly subsequently considered the plan at their plenary meeting on 6 February 2020, and did not exercise their power to veto the draft plan.

The SoS wrote to the Mayor on 13 March 2020² (following the deadline for papers for DCC) and set out a number of directed changes³. The Mayor cannot publish the London Plan until these changes have been incorporated; the SoS has indicated that he may consider alternative changes to policy to address his concerns, but it is unlikely that any alternatives would be substantially different to those proposed by the SoS. The Mayor could also decide not to publish the London Plan at all.

Mayoral purdah would have prevented the Mayor from publishing the draft new London Plan until early May at the earliest, but the postponement of the Mayoral election potentially means that adoption could be earlier. However, given the potential for further discussions between the Mayor and SoS on final wording, and possible resourcing issues due to Covid-19, it is considered very unlikely that the London Plan will be adopted before May 2020 anyway.

Headline implications of directed changes

The key headline from the SoS directed changes is that there are no further changes to Bromley's proposed new housing target as set out in the 'Intend to Publish' version of the London Plan. This means that Bromley's housing target will be 774 homes per annum upon adoption of the London Plan.

There are changes to Green Belt policy, in order to bring the London Plan into alignment with national planning policy; the draft new London Plan had originally proposed a more restrictive approach which would not have allowed proposals in the Green Belt, even where very special circumstances were identified.

The SoS has also directed changes to maximum parking standards, although the resultant changes would still result in lower maximum standards than those set out in the Local Plan.

¹ Intend to publish version of the new London Plan with track changes available here:

https://www.london.gov.uk/sites/default/files/intend_to_publish_-_tracked.pdf

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/872456/Letter_to_the_Mayor_of_London.pdf

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/872472/Letter_to_the_Mayor_of_London_Annex.pdf

Next steps

When adopted, the new Draft London Plan will replace the current London Plan (2016) and will form part of Bromley's Development Plan. It will therefore be used for decision making on planning applications alongside the Local Plan (2019) and the Bromley Town Centre Area Action Plan.

The new London Plan will also influence any new planning policy documents produced by Bromley (such as a revised Local Plan) as these are required to be "in general conformity" with it.

Once adopted, a detailed assessment of the London Plan, particularly the implications for policies in the Bromley Local Plan and for planning decisions, will be brought to a future meeting of Development Control Committee for consideration.



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13 March 2020

Dear Sadiq,

Thank you for sending me your Intention to Publish version of the London Plan (the Plan).

Every part of the country must take responsibility to build the homes their communities need. We must build more, better and greener homes through encouraging well-planned development in urban areas; preventing unnecessary urban sprawl so that we can protect the countryside for future generations. This means densifying, taking advantage of opportunities around existing infrastructure and making best use of brownfield and underutilised land.

Housing delivery in London under your mayoralty has been deeply disappointing, over the last three years housing delivery has averaged just 37,000 a year; falling short of the existing Plan target and well below your assessment of housing need. Over the same period, other Mayors such as in the West Midlands have gripped their local need for housing and recognised the opportunities this brings, leading significant increases in the delivery of homes.

Since you became Mayor, the price of an average new build home in London has increased by around £45,000, reaching £515,000 in 2018, 14 times average earnings. Clearly, the housing delivery shortfall you have overseen has led to worsening affordability for Londoners; and things are not improving, with housing starts falling a further 28 per cent last year compared to the previous.

Critical strategic sites have stalled, epitomised by your Development Corporation in Old Oak and Park Royal being forced to turn away £250 million of Government funding because of your inability to work successfully with the main landowner. You also turned away £1 billion of investment we offered to deliver Affordable Homes, because of the support and oversight that would accompany this. You have put a series of onerous conditions on estate regeneration schemes for them to be eligible for grant-funding, such as the requirement for residents' ballots. In attaching such conditions, you are jeopardising housing delivery and this approach will make it significantly more difficult to deliver the Plan's targets and homes needed.

Following the Planning Inspectorate's investigation of your Plan, they only deem your Plan credible to deliver 52,000 homes a year. This is significantly below your own identified need of around 66,000 homes and well below what most commentators think is the real need of London. As I have set out, the shortfall between housing need in London and the homes your Plan delivers has significant consequences for Londoners.

Leaving tens of thousands of homes a year needed but unplanned for will exacerbate the affordability challenges within and around the capital; making renting more expensive and setting back the

aspirations of Londoners to get on the housing ladder, make tackling homelessness and rough sleeping more challenging and harm the economic success of London.

Everyone should have the chance to save for and buy their own home so they can have a stake in society. In the short run this requires a proactive stance in building homes for ownership, including Shared Ownership and First Homes, and in parallel delivering a consistently high level of housing supply of all tenures. You should also be looking to deliver homes which people of different ages, backgrounds and situations in life can live in. Your Plan tilts away from this, towards one-bed flats at the expense of all else, driving people out of our capital when they want to have a family.

Your Plan added layers of complexity that will make development more difficult unnecessarily; with policies on things as small as bed linen. Prescription to this degree makes the planning process more cumbersome and difficult to navigate; in turn meaning less developments come forward and those that do progress slowly. One may have sympathy with some of individual policies in your Plan, but in aggregate this approach is inconsistent with the pro-development stance we should be taking and ultimately only serves to make Londoners worse off.

This challenging environment is exacerbated by your empty threats of rent controls, which by law you cannot introduce without Government consent. As we all know, evidence from around the world shows that rent controls lead to landlords leaving the market, poorer quality housing and soaring rents for anyone not covered by the controls.

I had expected you to set the framework for a step change in housing delivery, paving the way for further increases given the next London Plan will need to assess housing need by using the Local Housing Need methodology. This has not materialised, as you have not taken the tough choices necessary to bring enough land into the system to build the homes needed.

Having considered your Plan at length my conclusion is that the necessary decisions to bring more land into the planning system have not been taken, the added complexity will reduce appetite for development further and slow down the system, and throughout the Plan you have directly contradicted national policy. As you know, by law you must have regard to the need for your strategies to be consistent with national policies.

For these reasons I am left with no choice but to exercise my powers to direct changes.

Your Plan must be brought to the minimum level I would expect to deliver the homes to start serving Londoners in the way they deserve. However, this must be the baseline and given this, I ask that you start considering the next London Plan immediately and how this will meet the higher level and broader housing needs of London.

Directions

Due to the number of the inconsistencies with national policy and missed opportunities to increase housing delivery, I am exercising my powers under section 337 of the Greater London Authority Act 1999 to direct that you cannot publish the London Plan until you have incorporated the Directions I have set out at **Annex 1**. Should you consider alternative changes to policy to address my concerns, I am also content to consider these.

In addition to the attached Directions, I am taking this opportunity to highlight some of the specific areas where I think your Plan has fallen short of best serving Londoners.

Ambition: It is important that both Government and you as Mayor are seen to be leaders in supporting ambitious approaches to planning and development; and I am concerned that your Plan actively discourages ambitious boroughs. I am therefore Directing you to work constructively with ambitious London Boroughs and my Department to encourage and support the delivery of boroughs which strive to deliver more housing.

Small sites policy: The lack of credibility the Panel of Inspectors were able to attribute to your small sites policies resulted in a drop in the Plan's housing requirement of 12,713 homes per year. This was due to a combination of unattractive policies, such as 'garden grabbing' by opening up residential gardens for development, and unrealistic assumptions about the contribution of policies to the small sites target. I hope that where your small sites policies are appropriate, you are doing all you can to ensure sites are brought forward.

Industrial land: Planning clearly requires a judgement to be made about how to use land most efficiently, enabling sufficient provision for housing, employment and amenity. The Inspectors considered your industrial land policies to be unrealistic; taking an over-restrictive stance to hinder Boroughs' abilities to choose more optimal uses for industrial sites where housing is in high demand. I am directing you to take a more proportionate stance - removing the 'no net loss' requirement on existing industrial land sites whilst ensuring Boroughs bring new industrial land into the supply.

The mix of housing: Such a significant reduction in the overall housing requirement makes the need for the provision of an appropriate dwelling mix across London more acute. I am concerned that your Plan will be to the detriment of family sized dwellings which are and will continue to be needed across London. This is not just in relation to their provision but also their loss, particularly where family sized dwellings are subdivided into flats or redeveloped entirely. I am therefore Directing you to ensure this is a consideration of London Boroughs when preparing policies and taking decisions in relation to dwelling mix.

Optimising density: It is important that development is brought forward to maximise site capacity, in the spirit of and to compliment the surrounding area, not to its detriment. Sites cannot be looked at in isolation and Londoners need to be given the confidence that high density developments will be directed to the most appropriate sites; maximising density within this framework. Examples of this are gentle density around high streets and town centres, and higher density in clusters which have already taken this approach. I am therefore Directing you to ensure that such developments are consented in areas that are able to accommodate them.

Aviation: As you are aware, the Court of Appeal recently handed down judgment in the judicial review claims relating to the Airports National Policy Statement. The government is carefully considering the complex judgment and so does not consider it appropriate to make any direction in relation to Policy T8 Aviation at the present time. This is without prejudice to my power to make a direction under section 337 at any time before publication of the spatial development strategy, including in relation to Policy T8 Aviation.

Next steps: I look forward to receiving a revised version of your Intention to Publish Plan, containing the modifications necessary to conform with these Directions, for approval in accordance with section 337(8) of the Greater London Authority Act 1999.

Future Housing Delivery in London

I would like you to commit to maximising delivery in London, including through taking proactive steps to surpass the housing requirement in your Plan. This must include:

- Supporting ambitious boroughs to go beyond your Plan targets to bring them closer to delivering housing demand;
- A programme of work, with my Department, to kick-start stalled strategic sites; including bringing forward later-stage strategic land from your Strategic Housing Land Availability Assessment. If you are unable to persuade me that you can deliver the most significant sites, such as Old Oak Common, I will consider all options for ensuring delivery;
- Collaborating with public agencies to identify new sources of housing supply, including developing a more active role for Homes England;
- Actively encouraging appropriate density, including optimising new capacity above and around stations; and,

- Producing and delivering a new strategy with authorities in the wider South East to offset unmet housing need in a joined-up way.

The priority must be delivering the housing that Londoners need. I think the above steps will move us closer towards this and hope that you will build on these. However, I must be clear that without reassurances that you will raise your housing ambitions for the capital, I am prepared to consider all options, including new legislation if necessary.

Finally, I want to see you set a new standard for transparency and accountability for delivery at the local level. To achieve this I want you to commit to work with my Department and to provide: the fullest account of how the housing market and planning system is performing in London, where there are blockages and what is needed to unblock these, and what tools or actions can be undertaken to further increase housing delivery.

To meet this I expect:

- Regular meetings between you and I, and my ministers, to be supplemented by regular meetings between our respective officials.
- Quarterly, systematic reporting of progress on housing delivery across all tenures, devolved programmes and your planning pipeline across London. This should reflect what we have in place to track Homes England's approach to reporting.

The position I have taken and requirements I have outlined, are focused on ensuring the homes that Londoners need are planned for and delivered. Housing in our capital is simply too important for the underachievement and drift displayed under your Mayoralty, and now in your Plan, to continue.

I look forward to your reply detailing these commitments and to receiving your modified London Plan.

A handwritten signature in black ink that reads "Robert Jenrick". The signature is written in a cursive style with a horizontal line underneath.

THE RT HON ROBERT JENRICK MP

Direction	Intention to Publish London Plan Policy	Modification to Remedy National Policy Inconsistency New text is shown as bold red and deleted text as red-strikethrough	Statement of Reasons
DR1	Policy H10	<p>Modify H10.9 as follows:</p> <p>9) the need for additional family housing and the role of one and two bed units in freeing up existing family housing</p>	<p>London has a strong need for family homes, as set out in the SHMA, the modification set out in the direction is to address this need and help provide the homes needed – which otherwise will force families to move outside of London to find suitable housing and put further pressure on the areas surrounding the capital.</p> <p>The 2012 NPPF paragraph 50 states that plans should deliver a ‘wide choice of quality homes’ and ‘plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children,...)’. The modification to policy H10.9 will bring the London Plan back into conformity with National Policy by being more explicit about meeting the needs of this group.</p>
DR2	Policy D3 (and supporting text paragraph 3.3.1)	<p>Modify D3 as follows:</p> <p>A The design of the development must optimise site capacity. Optimising site capacity means ensuring that development takes the most appropriate form for the site. Higher density developments should be promoted in areas that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.</p> <p>B Where there are existing clusters of high density buildings, expansion of the clusters should be positively considered by Boroughs. This could also include expanding Opportunity Area boundaries where appropriate.</p> <p>D Gentle densification should be actively encouraged by Boroughs in low- and mid- density locations to achieve a change in densities in the most appropriate way. This should be interpreted in the context of Policy H2.</p> <p>D A All development must make the best use of land by following a design led approach that optimises the capacity of sites, including site allocations. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site’s context and capacity for growth, and existing and planned supporting infrastructure capacity (as set out in <u>Policy D2 Infrastructure requirements for sustainable densities</u>), and that best delivers the requirements set out in Part B.</p> <p>E B Development proposals should:</p> <p>3.3.1 For London to accommodate the growth identified in this Plan in an inclusive and responsible way every new development needs to make the most efficient use of land. The design of the development must optimise site capacity. Optimising site capacity means ensuring that the development takes the most appropriate form for the site and that it is consistent with relevant planning objectives and policies. The optimum capacity for a site does not mean the maximum capacity; it may be that a lower density development – such as Gypsy and Traveller gypsy and traveller pitches – is the optimum development for the site.</p>	<p>The 2012 NPPF sets out that policies “should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development...” (Paragraph 59)</p> <p>The policy as set out in the ItP London Plan gives little guidance as to the most suitable locations for higher density development – which could lead to inappropriate development or not maximising the potential of sites capable of delivering high density development. By not maximising the density of a site to reach its potential the Plan risks not delivering the homes and employment space that is needed.</p>

<p>DR3</p>	<p>Policy H2 (and supporting text paragraphs 4.2.1 to 4.2.14)</p>	<p>Delete 4.2.12 and 4.2.13 in their entirety</p>	<p>The ItP London Plan undermines national approach and will lead to confusion for applicants and decision makers. The Inspectors' report recommended the deletion of these paragraphs.</p> <p>Approach is inconsistent with Written Ministerial Statement (HCWS50) made by Minister of State for Housing and Planning Brandon Lewis on 28th November 2014 which sets out that affordable housing and tariff style contributions should not be sought on developments of 10 units or less.</p>
<p>DR4</p>	<p>Policy E4 Policy E5 Policy E7 Policy SD1 And relevant supporting text paragraphs</p>	<p>Modify E4 as follows</p> <p>C The retention, enhancement and provision of additional industrial capacity across the three categories of industrial land set out in Part B should be planned, monitored and managed. ., having regard to the industrial property market area and borough level categorisations in Figure 6.1 and Table 6.2. This should ensure that in overall terms across London there is no net loss of industrial floorspace capacity (and operational yard space capacity) within designated SIL and LSIS. Any release of industrial land in order to manage issues of long-term vacancy and to achieve wider planning objectives, including the delivery of strategic infrastructure, should be facilitated through the processes of industrial intensification, co-location and substitution set out in Policy E7 Industrial intensification, co-location and substitution and supported by Policy E5 Strategic Industrial Land.</p> <p>Modify supporting text paragraph 6.4.5 as follows</p> <p>6.4.5 Based upon this evidence, this Plan addresses the need to retain provide sufficient industrial, logistics and related capacity through its policies. by seeking, as a general principle, no overall net loss of industrial floorspace capacity across London in designated SIL and LSIS. Floorspace capacity is defined here as either the existing industrial and warehousing floorspace on site or the potential industrial and warehousing floorspace that could be accommodated on site at a 65 per cent plot ratio (whichever is the greater).</p> <p>Delete supporting text paragraphs 6.4.6 through 6.4.11</p> <p>Delete Table 6.2</p> <p>Delete Figure 6.1</p> <p>Add new supporting text paragraph 6.4.6</p> <p>6.4.6 Where possible, all Boroughs should seek to deliver intensified floorspace capacity in either existing and/or new appropriate locations supported by appropriate evidence.</p> <p>Add new supporting text 6.4.7</p> <p>6.4.7 All boroughs in the Central Services Area should recognise the need to provide essential services to the CAZ and Northern Isle of Dogs and in particular sustainable 'last mile' distribution/logistics, 'just-in-time' servicing (such as food service activities, printing, administrative and support services, office supplies, repair and maintenance), waste</p>	<p>At paragraph 421 of the Inspectors' Report, the Panel concluded that "the approach to meeting those needs set out in E4 to E7 is aspirational but may not be realistic" and this appears to be inconsistent with paragraph 7 of the NPPF 2012 which requires "that sufficient land of the right type is available in the right places and at the right time to support growth and innovation".</p> <p>This addition would make it easier for London Boroughs to identify a supply of industrial land to meet demand, or to replace other land that can subsequently be released for housing development. It also removes a target that was deemed 'may not be realistic' and therefore meets the 'effective' test of soundness.</p> <p>Relevant paragraphs in the 2012 NPPF are noted below;</p> <p>Paragraphs 7 and 17 on 'by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation' 'sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.'</p> <p>Paragraph 156 states that strategic policies should deliver the homes and jobs needed in the area and the provision of commercial development.</p> <p>Paragraph 161 states that the authority must assess 'the existing and future supply of land available for economic development and its sufficiency and suitability to meet the identified needs.'</p>

management and recycling, and land to support transport functions. This should be taken into account when assessing whether substitution is appropriate.

Add new supporting text 6.4.8

6.4.8 Where industrial land vacancy rates are currently well above the London average, Boroughs are encouraged to assess whether the release of industrial land for alternative uses is more appropriate if demand cannot support industrial uses in these locations. Where possible, a substitution approach to alternative locations with higher demand for industrial uses is encouraged.

Modify E5 as follows

B Boroughs, in their Development Plans, should:

...

4) Strategically coordinate Development Plans to identify opportunities to substitute Strategic Industrial Land where evidence that alternative, more suitable, locations exist. This release must be carried out through a planning framework or Development Plan Document review process and adopted as policy in a Development Plan or as part of a coordinated masterplanning process in collaboration with the GLA and relevant borough. All Boroughs are encouraged to evaluate viable opportunities to provide additional industrial land in new locations to support this process. This policy should be applied in the context of Policy E7.

~~D Development proposals for uses in SILs other than those set out in Part A of Policy E4 Land for industry, logistics and services to support London's economic function, (including residential development, retail, places of worship, leisure and assembly uses), should be refused except in areas released through a strategically co-ordinated process of SIL consolidation. This release must be carried out through a planning framework or Development Plan Document review process and adopted as policy in a Development Plan or as part of a coordinated masterplanning process in collaboration with the GLA and relevant borough.~~

Modify E7 as follows

D The processes set out in Parts B and C above must ensure that:

- ~~1) the industrial uses within the SIL or LSIS are intensified to deliver an increase (or at least no overall net loss) of capacity in terms of industrial, storage and warehousing floorspace with appropriate provision of yard space for servicing~~
- 1) the industrial and related activities on-site and in surrounding parts of the SIL, LSIS or Non-Designated Industrial Site are not compromised in terms of their continued efficient function, access, service arrangements and days/hours of operation noting that many businesses have 7-day/24-hour access and operational requirements
 - 2) the intensified industrial, storage and distribution uses are completed in advance of any residential component being occupied
 - 3) appropriate design mitigation is provided in any residential element to ensure compliance with 1 and 2 above with particular consideration given to:
 - a. safety and security
 - b. the layout, orientation, access, servicing and delivery arrangements of the uses in order to minimise conflict
 - c. design quality, public realm, visual impact and amenity for residents
 - d. agent of change principles
 - e. vibration and noise
 - f. air quality, including dust, odour and emissions and potential contamination.

Modify 6.7.2

~~Whilst the majority of land in SILs should be retained and intensified for the industrial type functions set out in Part A of Policy E4 Land for industry, logistics and services to support London's economic function, there may be scope for selected parts of SILs or LSISs to be consolidated~~ **or appropriately substituted**. This should be done through a carefully co-ordinated plan-led approach ~~(in accordance with Parts B and D of Policy E7 Industrial intensification, colocation and substitution)~~ to deliver an intensification of industrial and related uses in the consolidated SIL or LSIS and facilitate the release of some land for a mix of uses including residential. Local Plan policies' maps and/or OAPFs and masterplans should indicate clearly:

- i. the area to be retained and intensified as SIL or LSIS (and to provide future capacity for the uses set out in Policy E5 Strategic Industrial Locations (SIL) and Policy E6 Locally Significant Industrial Sites) and
- ii. the area to be released from SIL or LSIS (see illustrative examples in Figure 6.3). Masterplans should cover the whole of the SIL or LSIS, and should be informed by the operational requirements of existing and potential future businesses.

Modify supporting text paragraphs for policy SD1 as follows

2.1.16 Southwark is preparing an Area Action Plan (AAP) which will set out how the BLE will enable significant residential and employment growth. The Old Kent Road OA contains the last remaining significant areas of Strategic Industrial Locations that lie in close proximity to the CAZ and the only SILs within Southwark. The AAP should ~~plan for no net loss of industrial floorspace capacity and~~ set out how industrial land can be intensified and provide space for businesses that need to relocate from any SIL identified for release. Areas that are released from SIL should seek to co-locate housing with industrial uses, or a wider range of commercial uses within designated town centres. Workspace for the existing creative industries should also be protected and supported.

2.1.33 The Planning Framework should quantify the full development potential of the area as a result of Crossrail 2. It should ensure that industrial, logistics and commercial uses continue to form part of the overall mix of uses in the area, ~~with no net loss of industrial floorspace capacity,~~ and that opportunities for intensification of industrial land and co-location of industrial and residential uses are fully explored. Tottenham and Walthamstow contain clusters of creative industries which should be protected and supported. The Planning Framework should also protect and improve sustainable access to the Lee Valley Regional Park and reservoirs, and ensure links through to Hackney Wick and the Lower Lea Valley. Planning frameworks should include an assessment of any effects on the Epping Forest Special Area of Conservation and appropriate mitigation strategies.

2.1.53 Housing Zone status and investment by Peabody in estate renewal in the area will improve the quality of the environment and bring new housing opportunities. To deliver wider regeneration benefits to Thamesmead, other interventions to support the growth of the Opportunity Area are needed. These include: the redevelopment and intensification of employment sites to enable a range of new activities and workspaces to be created in parallel with new housing development; a review of open space provision in the area to create better quality, publicly accessible open spaces; the creation of a new local centre around Abbey Wood station, the revitalisation of Thamesmead town centre and Plumstead High Street; and improved local transit connections. ~~The Planning Framework should ensure that there is no net loss of industrial floorspace capacity.~~

2.1.56 Industrial and logistics uses will continue to play a significant role in the area. ~~The Planning Framework should ensure that there is no net loss of industrial floorspace capacity, and that industrial uses are retained and intensified, and form part of the mix in redevelopment proposals.~~ Belvedere is recognised as having potential as a future District centre.

DR5	Policy G2 (and supporting paragraphs 8.2.1 and 8.2.2)	<p>Modify Policy G2 as follows:</p> <p>A. The Green Belt should be protected from inappropriate development:</p> <ol style="list-style-type: none"> 1. development proposals that would harm the Green Belt should be refused except where very special circumstances exist; 2. subject to national planning policy tests, the enhancement of the Green Belt to provide appropriate multi-functional beneficial uses for Londoners should be supported. <p>B. Exceptional circumstances are required to justify either the extension or de-designation of the Green Belt through the preparation or review of a local plan. The extension of the Green Belt will be supported, where appropriate. Its de-designation will not be supported.</p>	<p>Policy G2 as set out in the ItP London Plan is not consistent with national policy and will lead to confusion for applicants, communities and decision makers. The policy as it stands is inconsistent with the 2012 NPPF (paras 79 – 92) due to the lack of reference to exceptional circumstances.</p> <p>This inconsistency was noted in the Inspectors' Report and their recommendation PR36 will resolve these inconsistencies.</p>
DR6	Policy G3 (and supporting text paragraphs 8.3.1 through 8.3.4)	<p>Modify Policy G3 as follows:</p> <p>A. Metropolitan Open Land (MOL) is afforded the same status and level of protection as Green Belt:</p> <ol style="list-style-type: none"> 1) Development proposals that would harm MOL should be refused. MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt. 2) boroughs should work with partners to enhance the quality and range of uses of MOL. <p>B. The extension of MOL designations should be supported where appropriate. Boroughs should designate MOL by establishing that the land meets at least one of the following criteria:</p> <ol style="list-style-type: none"> 1) it contributes to the physical structure of London by being clearly distinguishable from the built-up area 2) it includes open air facilities, especially for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London 3) it contains features or landscapes (historic, recreational, biodiverse) of either national or metropolitan value 4) it forms part of a strategic corridor, node or a link in the network of green infrastructure and meets one of the above criteria. <p>C. Any alterations to the boundary of MOL should be undertaken through the Local Plan process, in consultation with the Mayor and adjoining boroughs. MOL boundaries should only be changed in exceptional circumstances when this is fully evidenced and justified, ensuring that the quantum of MOL is not reduced, and that the overall value of the land designated as MOL is improved by reference to each of the criteria in Part B.</p>	<p>Mayor's use of Green Belt definition and prohibition of a net loss is not consistent with the NPPF and is likely to lead to confusion for applicants, communities and decision makers.</p> <p>The Inspectors' report recommends that the policy is made consistent with National Policy as set out in paragraphs 79-92 of the 2012 NPPF.</p>
DR7	Policy H14 (and supporting text paragraphs 4.14.1 through 4.14.13)	<p>Delete Policy B in its entirety.</p> <p>Modify Policies C and D as follows:</p> <p>C. Boroughs that have not undertaken a needs assessment since 2008 should use the figure of need for Gypsy and Traveller gypsy and traveller accommodation provided in Table 4.4 as identified need for pitches until a needs assessment, using the definition set out above, is undertaken as part of their Development Plan review process.</p> <p>D. Boroughs that have undertaken a needs assessment since 2008 should update this based on the definition set out above as part of their Development Plan review process</p> <p>Delete supporting text paragraphs 4.14.1, 4.14.2, 4.14.3, 4.14.4, 4.14.7</p>	<p>The policy is inconsistent with national policy set out in the Planning Policy for Traveller Sites (PPTS) (August 2015). The policy gives a wider definition of "gypsies and travellers" compared to that in Annex 1 of the PPTS including those who have permanently settled.</p> <p>The panel of Inspectors examining the plan concluded that the Mayor failed to demonstrate that London was so distinctly different to elsewhere in the country to justify a departure from national policy.</p>

		<p>In Policies A, E and G and supporting text paragraphs 4.14.5, 4.14.6, 4.14.8, 4.14.9, 4.14.11 and 4.14.12:</p> <p>Replace the terms ‘Gypsy and Traveller’ and ‘Gypsies and Travellers’ respectively with the phrases gypsy and traveller and gypsies and travellers in line with PPTS.</p>	<p>The panel highlighted that a different definition would create anomalies with individuals defined differently for planning purposes on whether they are assessed by a district outside London or one of the boroughs. This could also impact on proposals for joint working as set out in the PPTS.</p> <p>The Housing and Planning Act 2016 replaced the duty to assess the needs of gypsy and travellers, with a duty on local housing authorities to consider the needs of people residing in or resorting to their District with respect to the provision of sites on which caravans are stationed. Therefore, the needs of those outside the PPTS definition must be considered as part of this assessment.</p> <p>A Written Ministerial Statement (WMS) of 22 July 2015 set out that those travellers who do not fall within the definition set out in the PPTS should have their accommodation needs addressed under the provisions of the National Planning Policy Framework.</p> <p>As a consequence of directing the Mayor to accept the Inspector’s recommendations and to delete Part B of the Policy we are also seeking a direction to the proposed Policy H14(C) and (D) as the wording requires authorities to undertake a needs assessment in accordance with the proposed definition in Part (B) of the Policy. We are also ensuring that references to gypsies and travellers are consistent in line with PPTS.</p>						
DR8	<p>Introducing the Plan</p> <p>A New Plan</p>	<p>Modify 0.0.21:</p> <p>“The Plan provides an appropriate spatial strategy that plans for London’s growth in a sustainable way and has been found sound by the planning inspectors through the examination in public. The housing targets set out for each London Borough are the basis for planning for housing in London. Therefore, boroughs do not need to revisit these figures as part of their local plan development, unless they have additional evidence that suggests they can achieve delivery of housing above these figures whilst remaining in line with the strategic policies established in this plan.”</p>	<p>The text as set out in the ItP London plan will potentially discourage London Boroughs that may be able to exceed their housing target. The approach is not consistent with the 2012 NPPF paras 46, 153, 156 and 159. due to the Plan planning for significantly below London’s housing need.</p>						
DR9	<p>Table 10.3</p>	<p>Delete Table 10.3 Maximum Parking Standards and replace with the table below:</p> <table border="1"> <thead> <tr> <th>Location</th> <th>Maximum Parking Provision*</th> <th>Number of Beds</th> </tr> </thead> <tbody> <tr> <td>Central Activities Zone Inner London Opportunity Areas Metropolitan and Major Town Centres</td> <td>Car free~</td> <td>N/A</td> </tr> </tbody> </table>	Location	Maximum Parking Provision*	Number of Beds	Central Activities Zone Inner London Opportunity Areas Metropolitan and Major Town Centres	Car free~	N/A	<p>The parking standards as set out in the ItP London Plan are inconsistent with national policy. The 2016 Minor Alterations to the London Plan introduced Parking Standards for residential policy to meet the requirements as per the Written Ministerial Statement of 25 March 2015 that ‘clear and compelling justification’ is required when introducing parking standards. The Mayor has not</p>
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		<table border="1"> <tr> <td data-bbox="828 90 1160 159">All areas of PTAL 5 – 6 Inner London PTAL 4</td> <td data-bbox="1160 90 1472 159"></td> <td data-bbox="1472 90 1733 159"></td> </tr> <tr> <td data-bbox="828 159 1160 228">Inner London PTAL 3</td> <td data-bbox="1160 159 1472 228">Up to 0.25 spaces per dwelling</td> <td data-bbox="1472 159 1733 228">N/A</td> </tr> <tr> <td data-bbox="828 228 1160 331">Inner London PTAL 2 Outer London Opportunity Areas</td> <td data-bbox="1160 228 1472 331">Up to 0.5 spaces per dwelling</td> <td data-bbox="1472 228 1733 331">N/A</td> </tr> <tr> <td data-bbox="828 331 1160 401">Inner London PTAL 0 – 1</td> <td data-bbox="1160 331 1472 401">Up to 0.75 spaces per dwelling</td> <td data-bbox="1472 331 1733 401">N/A</td> </tr> <tr> <td data-bbox="828 401 1160 470">Outer London PTAL 2-4</td> <td data-bbox="1160 401 1472 470">Up to 0.75 space per dwelling</td> <td data-bbox="1472 401 1733 470">1-2</td> </tr> <tr> <td data-bbox="828 470 1160 539">Outer London PTAL 2-4</td> <td data-bbox="1160 470 1472 539">Up to 1 space per dwelling</td> <td data-bbox="1472 470 1733 539">3+</td> </tr> <tr> <td data-bbox="828 539 1160 609">Outer London PTAL 0 – 1</td> <td data-bbox="1160 539 1472 609">Up to 1.5 spaces per dwelling</td> <td data-bbox="1472 539 1733 609">1-2</td> </tr> <tr> <td data-bbox="828 609 1160 678">Outer London PTAL 0 – 1</td> <td data-bbox="1160 609 1472 678">Up to 1.5 spaces per dwelling ^</td> <td data-bbox="1472 609 1733 678">3+</td> </tr> <tr> <td colspan="3" data-bbox="828 678 1733 1005"> <p>* Where Development Plans specify lower local maximum standards for general or operational parking, these should be followed.</p> <p>~ With the exception of disabled persons parking, see Part G Policy T6.1 Residential Parking</p> <p>^ Boroughs should consider higher levels of provision where this would support additional family housing.</p> </td> </tr> </table>	All areas of PTAL 5 – 6 Inner London PTAL 4			Inner London PTAL 3	Up to 0.25 spaces per dwelling	N/A	Inner London PTAL 2 Outer London Opportunity Areas	Up to 0.5 spaces per dwelling	N/A	Inner London PTAL 0 – 1	Up to 0.75 spaces per dwelling	N/A	Outer London PTAL 2-4	Up to 0.75 space per dwelling	1-2	Outer London PTAL 2-4	Up to 1 space per dwelling	3+	Outer London PTAL 0 – 1	Up to 1.5 spaces per dwelling	1-2	Outer London PTAL 0 – 1	Up to 1.5 spaces per dwelling ^	3+	<p>* Where Development Plans specify lower local maximum standards for general or operational parking, these should be followed.</p> <p>~ With the exception of disabled persons parking, see Part G Policy T6.1 Residential Parking</p> <p>^ Boroughs should consider higher levels of provision where this would support additional family housing.</p>			<p>submitted clear and compelling evidence that the policy from the 2016 MALP should be changed so provision has been made to allow Boroughs to support higher levels of provision where this meets identified housing needs, the approach to lower PTAL Outer London areas has been made more flexible and parking requirements for family housing in Outer London have been differentiated.</p> <p>Reducing parking spaces for homes risks residents being forced to park on street and causing congestion to London's road network and adversely impacting on the cyclability of roads in outer London. It also fails to reflect the need future housing will have to provide electric charging points to meet the Government target of only electric vehicles being available from 2035.</p>
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DR10	Policy T6.3 Retail parking	<p>Modify T6.3 as follows:</p> <p>A. The maximum parking standards set out in Table 10.5 should be applied to new retail development, unless alternative standards have been implemented in a Borough Plan through the application of Policy G below. New retail development should avoid being car-dependent and should follow a town centre first approach, as set out in Policy SD7 Town centres: development principles and Development Plan Documents.</p> <p>...</p> <p>G. Boroughs should consider alternative standards where there is clear that evidence that the standards in Table 10.5 would result in:</p> <ol style="list-style-type: none"> a. A diversion of demand from town centres to out of town centres, undermining the town centres first approach. b. A significant reduction in the viability of mixes-use redevelopment proposals in town centre. 	<p>Paragraph 39 of the 2012 NPPF is clear that in setting local parking standards for non-residential development, policies should take into account:</p> <ol style="list-style-type: none"> (a) the accessibility of the development; (b) the type, mix and use of development; (c) the availability of and opportunities for public transport; (d) local car ownership levels; and (e) an overall need to reduce the use of high-emission vehicles <p>As was raised in a number of representations, local car ownership rates and accessibility in a number of town centre locations would see the result of Table 10.5's implementation divert traffic to out-of-town locations and increase the length of trips. It was also raised that in relation to the type use and mix of development that the policies could reduce the viability of mixed-use redevelopment. As a result the proposed Direction will allow Boroughs to diverge from the Mayor's standards in Table 10.5 where these potential negative impacts can be evidenced.</p>																											

DR11	Policy H1 Supporting text paragraph 4.1.11	Delete 4.1.11 in its entirety	<p>The Plan's text undermines the national HDT approach and is likely to lead to confusion for applicants, communities and decision makers. It does not provide an effective framework for Boroughs, in line with paragraph 182 of the NPPF.</p> <p>The Housing Delivery Test is a key Government policy to help drive the delivery of new homes. The ItP London Plan in its current state is not consistent with the Housing Delivery Test Rulebook or the 2019 NPPF which first introduced the Housing Delivery Test.</p>
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Agenda Item 6

Committee Date	18/03/2020	
Address	The Porcupine, 24 Mottingham Road, Mottingham, London, SE9 4QW	
Application number	19/01670	Officer Jessica Lai
Ward	Mottingham and Chislehurst North	
Proposal	Full planning permission for the demolition of the existing public house and erection of an A1 retail foodstore, with associated car parking, reconfigured site access, landscaping, servicing and other associated works.	
Applicant	Lidl Great Britain	Agent Ms Laura Beech
C/O Agent		Ms Laura Beech Walsingham Planning Brandon House King Street Knutsford WA16 6DX
Reason for referral to committee	Call-in	Councillor call in Yes

RECOMMENDATION	PERMISSION
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Smoke Control SCA 28 Mottingham Local Centre</p>

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Class AA – Drinking establishments with expanded food provision	Total floor area: 620
Proposed	Class A1 – Retail	Retail floor area: 749 Total floor area: 1,380

Vehicle parking	Existing number of spaces	Proposed number of spaces	Difference in spaces (+ or -)
Standard car spaces	16	33 (Total including disabled and parent and children priority spaces)	+17
Disabled car spaces	0	2	+ 2
Parent and children priority spaces	0	2	+ 2
Cycle	0	26	+26

Representation summary	298 neighbouring properties were consulted on the 5 th June 2019. A site notice was placed at the site and the proposal was advertised in the press dated the 19 th June 2019.		
Total number of responses	307		
Number in support	57		
Number of objections	248		
Number of comment	2		

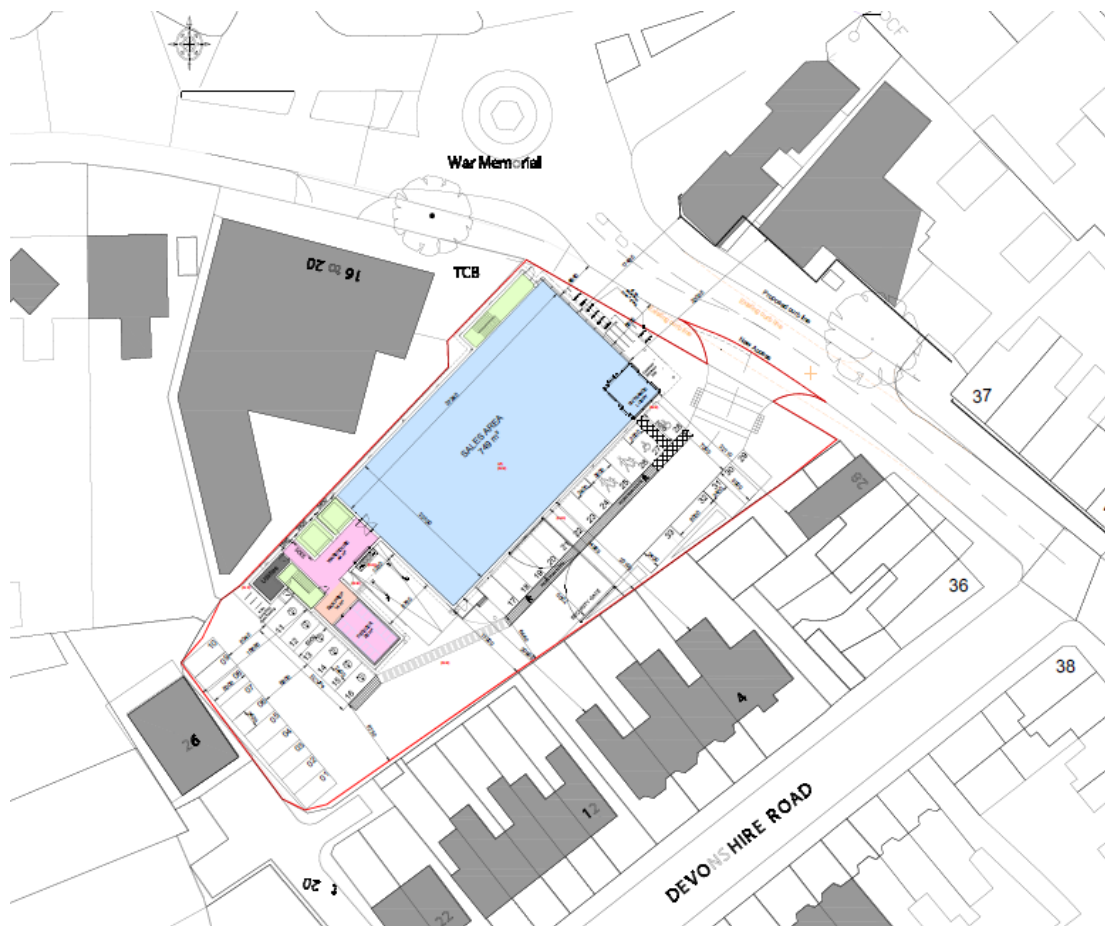
1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposed development would positively contribute to the vitality and viability of Mottingham Local Centre bringing a derelict site back into active use without causing any significant harm to the residential amenities enjoyed by the neighbouring properties.
- The site was included on the Council's Assets of Community Value list between 2013 and 2018 - the listing was removed in 2018 when it expired.
- The site has been marketed since 2016 and local community groups were provided with opportunities to acquire the site. A six month moratorium period commenced in June 2016 and expired in December 2016. The procedures set out under Section 88 (2) of the Localism Act 2011 were followed. No offers for the existing public house to be retained materialised.

- The viability assessment has been assessed and agreed by an independent viability consultant who has confirmed that the site is not viable as a public house.
- Detailed access arrangements and footway dimensions are provided and these address the visibility issues raised by the previous Planning Inspector within their appeal decision in December 2014. Subject to the improvement works to the existing pedestrian crossing, a planning obligation to review and amend the waiting restriction in the area and the planning conditions suggested, it is considered that the proposal would be acceptable.

2. LOCATION

- 2.1. The site (The former Porcupine Inn) measures approximately 2,581sq.m in area and is located on the south-western side of Mottingham Road near to the War Memorial roundabout. The site was first opened in 1688 as a village pub in the hamlet of Mottingham. The existing building is a part single and part two storey building with a former beer garden to the rear and an off-street parking area in the forecourt. The building was constructed in the 1920s after the First World War.
- 2.2. Trading ceased in 2013 and the site has been vacant for 7 years. The property was registered as an Asset of Community Value (ACV) in 2013 for a period of 5 years and this status expired in 2018. At present, the site is secured by wooden panels and it was illegally occupied by travellers in August 2016.
- 2.3. The site is adjoining a motorcycle showroom to the north and residential properties to the south and west. Opposite the site is Mottingham Library. The application property is not a listed building and the site is not located within a conservation area. The War Memorial at the roundabout is Grade II listed.
- 2.4. The site forms part of the Mottingham Local Centre in the Proposal Map. The site is located in a suburban area and surrounded by low rise buildings which range between single to three storeys in height. The site is also surrounded by a mixture of residential and commercial buildings.
- 2.5. Mottingham Road is a classified road (A208/B226) which runs between Orpington and Mottingham connecting the Borough north to the Royal Borough of Greenwich. The public transport accessibility of the site is rated at 2 on a scale between 0 to 6b, where 0 is worst and 6b is Best. The application site is located within Flood Zone 1 and is not subject to surface water flooding. Mottingham Road and its surrounding highway network are subject to surface water flooding. There are two TPO trees in the former beer garden.



3. PROPOSAL

3.1. Full planning permission is sought for the demolition of the former Porcupine Inn and erection of a part single and part two storey building to provide a retail unit (Use Class Order Class A1), to be occupied by Lidl.

3.2. The proposed retail unit would comprise the following:

Ground floor

- Sales area measuring approximately 749sq.m;
- Internal stairs, lifts, utility, freezer area and bakery area measuring 179sq.m

First Floor

- Managers office, toilets, welfare, stairs, lift and warehouse measuring 452sq.m

3.3. The proposed opening hours will be 08:00 to 22:00 Monday to Saturday, 10:00 to 16:00 on Sunday. The proposed delivery hours will be 08:00 to 21:00 Monday to Saturday, 10:00 – 16:00 on Sunday.

3.4. The proposal would also include improvement works to the existing pedestrian island and realignment of the vehicular access and public pavement on Mottingham Road near to the access.

- 3.5. A total of 33 parking spaces including 6 electric charging points (3 active and 3 passive), 2 disabled spaces and 2 parent with children priority spaces would be provided. The parking spaces would be available for the customers for a maximum period of 90 minutes with no return in one hour. 26 cycle storage spaces (6 long stay and 20 short stay) would also be provided.
- 3.6. 6 x 6 metres high lighting columns would be installed in the car park. 8 wall lights and 4 down lighters would be attached on the proposed building. Removal of existing TPO trees with replacement planting and landscaping is also proposed.



4. RELEVANT PLANNING HISTORY

- 4.1. 87/01716/FUL – granted on 20.07.1987.
Single storey rear extension.
- 4.2. 89/02541/FUL – refused on 30.10.1989.
Retrospective full planning application for the use of public house forecourt for stationing of flower stall.
- 4.3. 07/03543/FULL1 – granted on 26.11.2007.
Erection of a jumbrella and a megasol in outside drinking area at rear.
- 4.4. 13/01377/DEMCON – refused on 24.06.2013.
Prior approval for the demolition of public house.

- 4.5. 13/04160/FULL1– refused on 20.02.2014 and subsequent planning appeal was dismissed on the 16.12.2014.

Demolition of the Porcupine public house and erection of a two storey building to provide a retail foodstore comprising 800sqm sales area with ancillary storage, office, servicing area and 35 car parking spaces.

5. CONSULTATION SUMMARY

A) Statutory

- 5.1. Historic England – (Listed building): **No objection**
Historic England do not consider that it is necessary to be notified about this application.
- 5.2. Historic England – (Archaeology): **No objection**
The proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are required.
- 5.3. LB Bromley – Highway: **No objection**
Mottingham Road is part of the B226 and a London Distributor Route. The previous application was dismissed at appeal due to the sub-standard sightlines at the proposed access.

New access

It is proposed to close up the existing accesses to the site and replace them with a single more central access. In order to achieve the required sightline of 2.4m x 43m to the right of the access, it is proposed to adjust the road alignment by building out the footway in front of the proposed store and reducing the footway on the opposite site of the road. Detailed dimensions have been provided which indicates that a minimum 2 metres footway will remain in front of the library in accordance with the recommended width for a footway in Manual for Streets. This is in addition to the private open space in front of the library. The road marking details have also been updated. There do not seem to be any technical reasons why the road alignment cannot be amended. Should planning permission be approved, the development should be subject to a Stage 2 Road Safety Audit and the applicant will need to enter into a S278 agreement for the highway works to be carried out.

The Stage 1 Road Safety Audit raised a number of issues mostly relating to the detailed design issues, missing information and the crossing of the site access which can be dealt with during the detailed design process. A zebra crossing was initially proposed to replace the existing pedestrian crossing. This has now been superseded and the applicant has put forward the option to widen the pedestrian refuge to 1.8 m deep and 2.25 metres wide which will significantly enhance pedestrian safety.

Servicing

Servicing and deliveries will take place from 08:00 to 21:00 on Monday to Saturday and from 10:00 to 16:00 on a Sunday. A Delivery, Servicing and Waste Management Plan condition should be attached, should permission be recommended. The swept

path for the delivery vehicles shows vehicles would occupy both carriageways of Mottingham Road. This was considered acceptable in the previous appeal decision and there were large vehicles serving the former pub.

Parking

The parking ratio in the current application is identical to the previous appeal scheme which was considered acceptable. The site is within a low PTAL area with 3 bus routes. The TRICS data indicates that the highest car park accumulation occurs on Saturday with 34 parked vehicles. It is noted that the car park is subject to a maximum stay of 90 minutes. There is a high demand for on-street parking and there is no public carpark in the area. The parking stress survey has been carried out within 500m from the site and a further survey within 200m during the 2 peak periods (17:00- 18:00 Thursday and 12:00 to 13:00 Saturday) was carried out and this indicates the availability of on-street parking spaces are low. There is no mention if people are making linked trips. There is a waiting restriction in the vicinity on Monday to Saturday between 8:30am and 6:30pm. Should permission be recommended, the waiting restriction in the area will need to be monitored and reviewed. This cost (£5,000) should be met by the applicant.

B) Local Groups

6. Royal Borough of Greenwich (Planning) – No objection

The Royal Borough has formally considered the matter and raises no objection. The Council has no further observations to make.

6.1. Royal Borough of Greenwich (Councillors John Hills, Matt Hartley and Roger Tester) – Objection

Objection is raised to the proposal on the following grounds:-

- A significant and unacceptable increase in traffic congestion;
- Increased danger to pedestrians from lorries and cars turning in to and out of the proposed store in particular, a risk to pedestrian using the Library;
- Loss of amenity to local residents from increased parking difficulties and insufficient parking spaces;
- The removal of two protected trees; and,
- An unreasonable loss of business to several local independent businesses who sell food and other products, and the consequent damage to the local economy.

6.2. Member of Parliament – Sir Bob Neill MP - Objection

Objection is raised to the proposal. A similar proposal was refused and dismissed in 2014. The pub was considered as a valued community facility. There are more residents whom object to the proposal than support it. Many within this local community believe that the applicant has cynically and deliberately allowed the site to fall into disrepair in order to make the redevelopment more appealing. The viability assessment indicates that the applicant has received offers in the past 5 years as well as interest registered by the Porcupine Development Committee. The applicant has

refused to positively engage with local residents. The proposal would have an impact on local businesses and result in the removal of two protected trees. The proposal would fail to demonstrate a safe and suitable access can be achieved. The proposal would result in a considerable increase in the volume and character of traffic and the changes of footway would be to the detriment of pedestrian safety. 33 parking spaces would be insufficient. The proposal would have an impact on the neighbouring residents in terms of noise from the car park early in the morning and late at night. The proposal would threaten the character of Mottingham Village and viability of local independent business. Planning permission should be refused.

6.3. Bromley Councillor – David Cartwright - **Objection**

Objection is raised to the proposal on grounds of road safety, traffic congestion, lack of local parking, need for retail unit, loss of local history, surface water flooding, noise and light pollution to the residential properties in the late evening. There are utilities under the public pavement and it is not suitable for heavy vehicles to traverse this area without causing damage to the service main. There has been significant and regular flooding in the area of Mottingham Road stretching from the War Memorial roundabout to Devonshire Road.

6.4. Bromley Councillor – Will Rowlands - **Objection**

Traffic in Mottingham Village is already a problem, in particular during rush hours and school pick up/drop off times. There are often traffic queues from Eltham College to the west of the War Memorial and to the A20 traffic lights at the eastern end of Court Road. Any increase in either parking or delivery will significantly increase these problems. The width of Mottingham Road is not considered suitable to accommodate large delivery lorries. The site is located near to the library and changes in footways are not considered appropriate for local residents and visitors to the shops and library. There are retail stores within 200m from the site. The proposal would have an adverse impact on the existing high street business and small trader. The proposal would also have an adverse impact on noise and light during late evening hours. Policy 23 resists the loss of a local pub and there are no alternative within 500m from the site. The proposal would cause irreparable damage to the community and the village.

6.5. Mottingham Residents Association - **Objection**

Object to the proposal on the following grounds: (1) Transport and safety of all road users (2) Accessibility; (3) Servicing arrangements; (4) Parking; (5) Vitality and community wellbeing - the need for a night time economy; (6) Environmental issues, and (7) Loss of amenity to residents.

The proposal to reduce the width of pavement outside Mottingham library would be detrimental to the needs of all users including parent, baby and toddler groups and all other age groups. The flower bed is not indicated on the plan. The HGVs will occupy the full width of the carriageway. The reduction of width is not considered acceptable. The minimum width for a parent with a child or people with a pushchair should be 2.7 metres. The depth and width of the existing pedestrian refuge is too small and would not accommodate the multiple shoppers crossing to the entrance to the proposed

store. The siting of the entrance and trolley store will also increase the risk of an accident.

The assumption of pedestrian accessibility within 2km is a reasonable distance to walk is not realistic. The site has a low PTAL rating and shoppers are more likely to visit Eltham and Chislehurst or visit the site by car. The delivery arrangement for Porcupine was a one way system and vehicles leave the site near the entrance nearest to the roundabout. The proposed servicing and delivery arrangement is not considered appropriate and the suggested delivery time would be between 6 to 7 am and 10 to 11pm. The proposal would also cause damage to the existing utilities. The proposal would fail to achieve the required visibility splay. The parking spaces do not provide enough allowance for driver error. HGVs are clearly far too large for the car park. Impact on highway safety should be fully addressed. The proposal would provide inadequate parking spaces and there is a lack of on-street parking in the area. The only free local on-street parking is approximately 200m away on Court Farm Road, mostly occupied by Eltham College sixth formers. The site is too small to accommodate the size of the proposed store and would represent gross overdevelopment. The submitted travel plan focuses on travel for staff members rather than shoppers.

The Mottingham Community has been well served by the support of CAMRA and the Porcupine Development Committee to ensure the future of the Porcupine Inn. There are no public houses within 500m from the site. The site was considered as a community facility and there were local meetings held at this site. Mottingham needs a night time economy to thrive and retain a future as a community.

The CGI indicates the proposal would appear as an intrusive development. The existing building is set in from the road and would result in the loss of 2 protected trees and impact on the wildlife and character of the area. The existing building should be reinstated. The proposal would have an adverse impact on residential amenities in the area, in terms of noise, outlook, traffic and disturbance during demolition and construction.

The proposal to increase the width on the southern footway has no meaningful contribution to highway safety as the width of northern footway would be reduced. The delivery vehicles would have an adverse impact on the roundabout capacity. The wooden bollards are often damaged or demolished by vehicles leaving the roundabout. The assumption delivery vehicles would not block the roundabout is unrealistic. The scales of the drawings are different and cannot be accurate. A light controlled pelican crossing should be investigated, including a safety audit. Delivery should not be close to the residential area. Minor accidents are unlikely to be reported unless they result in major damage or injury. Bromley has a high car ownership. However, Mottingham, Coldharbour, Chinbrook and Downham are in the top 10% of deprived households nationally with low car ownership. The parking survey was carried out during bank holiday. There were 21 free spaces on 5th September 2019 in the area. The proposal to review parking arrangement after 3 months of operation has no scope to increase parking provision.

A further letter dated 24th January 2020 from MRA was received. This letter states that the planning committee report is inaccurate with unsupported assumptions, errors and

omissions. There are barely any differences between the current and previous schemes. The status of the application was not updated on the Council's website until the 22nd January 2020 and residents were not notified ahead of the meeting. The viability assessment prepared by Morgan and Clarke was not considered by officers. The site is located on the south-western side of Mottingham Road and is adjoining to a motor cycle show room. Whilst the site was occupied by travellers for a short period of time, this has no bearing on this application. The applicant had made little effort to secure the site at the time and the pub was closed for 7 years. Mottingham Road is subject to surface water flooding including the opposite side of the road and corner of West Park. This is recognised in the Strategic Flood Risk Assessment as Local Flood Area 117, on Flood map C. The objection on highway grounds is higher than the support.

The proposal would result in job losses to the nearby shops. Lidl is not a good employer and is anti-union. They have refused to recognise Usdaw and provide opportunity for Usda to approach their staff about Usdaw's membership. The Prince of Wales public house is located 508 metres from the site and is over the 500 metre requirement set in the Bromley Local Plan Policy. These requirements should not be ignored. The Royal Tavern is currently closed with its future unknown.

6.6. Campaign For Real Ale - **Objection**

Objection is raised on the grounds of loss of the public house which has the potential to be a valued community asset. The proposal would be contrary to the Bromley Local Plan, draft London Plan and the NPPG. The site has been closed and neglected by the owner for more than 5 years. There are no public houses within 500m from the site and the site should have been marketed for at least 24 months as stated in the draft London Plan. Bromley Local plan requires a 12 month time period for marketing activities. There is a general lack of evidence to substantiate the assumption in the viability assessment. This assessment accepts that the pub has been stripped of fixture and fittings and has been damaged in the process. There was no evidence provided which relates to the trading history of the pub before it was closed. The asking price of the pub provided. It can only be concluded that the main reasons the pub is described as unviable is the sale price is unrealistic. The Porcupine Inn has been a valuable community asset and could become so again.

C) Adjoining Occupiers

7. Nearby owners/occupiers were notified of the application and representations received are summarised as follows:

7.1. Objections:

1. Transportation and Highway

- Existing roads are not wide enough for current traffic and there is already considerable congestion from Eltham College school;
- Inadequate junction and pavement width;
- Narrow junction and delivery vehicles could cause considerable problems;

- Whilst part of the footway would be widened, the junction is very narrow and increased traffic flow will cause major traffic jams with people turning in and out of Lidl all the time;
- Unsuitable site to have parking and servicing from the rear. Lidl belongs on a high street not a busy junction in a residential area;
- The existing local road infrastructure is not suitable for the size and nature of the proposed development;
- Loss of pavement outside the library is a safety hazard, especially for young children, elderly, people with pushchairs and wheelchairs;
- Increase traffic accident and roads are unsuitable for HGV delivery lorries. There are already a number of road traffic accidents on this roundabout;
- Increased risk of flooding if pavement is narrowed;
- Inadequate car park and would overspill to neighbouring road;
- Site is located near to a busy and dangerous roundabout and is close to local school, Eltham College and a Petrol Station;
- The local road including West Park are already very busy due to its being a main road to A20 and other towns with a petrol station nearby;
- The single road on Mottingham Road would not be able to cope with the servicing and delivery. Orangery Lane is an example where drivers would block the road whilst waiting for space and is a much larger retail unit and car park;
- Increase traffic, congestion, noise and pollution in the area;
- Roads are already dangerous for children to cross as there are no precautions, eg zebra crossings;
- Traffic jam caused by servicing and delivery;
- Impact on highway and pedestrian safety;
- Reduction in pavement width is contrary to Local Plan policy 102;
- The roads of Mottingham were not designed for the amount of traffic that now passes through there on a daily basis so it is dangerous to actively encourage more traffic to the area – unnecessary risk for a supermarket that is not really needed;
- Inadequate parking and people will use the neighbouring streets which already have lots of parked cars for the station;
- There is no suggestion that local people would be employed. This would increase the traffic in the area;
- The site is very small and poorly accessible. The bus stop closest to the site is only served by school buses in certain periods;
- Might require re-routing of services (gas, water and electricity) due to reduction in pavement width;
- No difference from previous application and has not addressed concerns regarding traffic safety and congestion in Mottingham;
- Will not attract local people who will walk to the store, but rather people who will drive long distances so increasing traffic to the area;
- Traffic was monitored during school holidays so is not a true reflection of how busy and congested it gets;
- Increase demand for kerb side parking and reduce parking for small businesses;
- The single road on Mottingham Road would not be able to cope with the servicing and delivery. Orangery Lane is an example where drivers would

block the road whilst waiting for space and is a much larger retail unit and car park;

- The proposal would further reduce the availability of on-street parking spaces;
- Vehicles turning into and out of the site will cause issues (especially large delivery lorries) as the roads are narrow;
- Impractical to suggest people will cycle or walk to Lidl carrying bags of shopping;
- The area is already used as a shortcut to avoid traffic on the A20 so already suffers with bad congestion;
- BP garage already causes a lot of congestion when petrol tankers arrive to deliver petrol;
- Proposed store junction is near to the library and two schools;
- Lorries will struggle to turn safely and risk damaging the war memorial
- Proposed delivery hours are during school drop off/pick up times so the area will be heavily congested;
- Cars already mount the pavement to try and get through at rush hour Mottingham Lane and the proposal would worsen this;
- The car park could be used by people not visiting the store;
- People may use the car park even when they are not using the Lidl store;

2. Design

- The proposed building is intrusive and out of keeping with the War Memorial and neighbouring properties. The bright yellow and blue Lidl hoardings and illuminated adverts will not fit into the street scene and will spoil the look of the village and War Memorial;
- Loss of community feel of the village;
- Site is just in front of the war memorial so a supermarket is inappropriate and dignity should be maintained;
- Overdevelopment of the site. The site is not a brownfield site suitable for development but primarily green space in a residential area;

3. Loss of community asset

- No evidence to confirm the pub was unviable when it was closed in 2013 and acquired by the applicant in 2013;
- Loss of pub which was highly valued by people in the area and there is no other pub in the vicinity that can serve the local community. Building was a pub registered as an assets of community value providing good services to the local people;
- There is a lack of community facilities in the area. The building could be used as a health centre, doctor surgery library café, social services, a community centre or for infant school expansion;
- Contrary to Policy 23 of the Local Plan as there is no alternative public house within 500m of the site and Lidl have not demonstrated that the existing pub was not viable. The village needs a pub. The proposal would not be an asset for the village;

- There is no information to demonstrate there are no prospective purchasers willing to maintain the existing use. There are many other pubs in the area that have been refurbished and modernised;
- The building is a local, traditional and landmark building and should be protected, renovated and not destroyed. The building is very old and has historical links to Mottingham. The site should be as a pub;
- Contrary to Policy 20 of the Local Plan as Lidl have failed to demonstrate that the demolition of The Porcupine is of benefit to the community; they will provide an alternative facility for the community or that there is no longer a need for the pub;
- Demolition of the pub is contrary to Policy 40 as the pub should be regarded as a non-designated heritage asset. The site could again become a focal point of Mottingham;
- Lidl have allowed the existing pub to become derelict so the proposal is seen as the only viable solution but could still be possible to turn it into something else;
- The proposal could place the adjacent war memorial at risk and would result in loss the of village character;
- Alternative pubs suggested are much further away so would not serve the Mottingham area as a local pub;

4. Need for a new store

- The Council should consider a total regeneration of Mottingham village whereby it can facilitate the supermarket plus small local shops rather than allowing the area to deteriorate further with congestion, parking issues etc;
- There is a Lidl in Eltham High Street and people should visit Eltham High Street instead of Mottingham Village. All buses that serve Mottingham come via Eltham where there is already a Lidl store;
- Many people choose to have their shopping delivered from supermarket. This is more environmentally friendly for people to shop;
- Impact on local trade and wrong location for a busy supermarket. There are already many shops in the area offering 'top up' food items offered by this proposal. If local businesses are forced to close, there will be yet more empty shops;
- The village already has 5 food outlets so this could cause competition and closure of existing stores leaving premises vacant. No need for a new store of its size in the village;
- The building could be used as a restaurant;
- Impact on the vitality and viability of the local centre;
- Any new jobs created will be cancelled out by those lost from local shops which will be forced to close due to the competition from Lidl;
- Site is not suitable for a retail store, contrary to Bromley SPG2 and not in keeping with the character and appearance of the area, the iconic War Memorial and will ruin the amenity of Mottingham Village;

5. Loss of trees

- Removal of TPO trees and green space will impact upon wildlife in the area;
- The proposal would result in environmental degradation;

- Increase flooding due to loss of trees;
- No suggestion of planting around the site to mitigate the loss of existing planting and habitats;

6. Residential amenities

- Air quality assessment highlights that there will be a reduction in air quality resulting from this proposal;
- noise due to late night shopping, deliveries and construction works;
- Increase anti-social behaviour and crime. The car park will make it easy for burglars to access the back gardens of residents to the rear of the site;
- not comply with the London Plan policies in terms of air quality, waste and noise;
- Court Road displays a sign banning 5 ton lorries between 6.30pm-8am, but Lidl propose to deliver 6-7am and/or 10-11pm;
- The stated delivery times are not binding so deliveries could be at any time, which is not suitable for a residential area;
- The proposal would destroy a community asset. The local area does not have the capacity and level infrastructure need to support a large supermarket. There are 3 Lidl stores in the area , Eltham, Bromley and Footscray;
- Increased likelihood of flooding resulting from inadequate management of surface water drainage as more of the local soil and plant cover is replaced by impermeable tarmac and brick, especially with the increase in more extreme weather due to climate change;
- Acoustic fence will not substantially attenuate noise;
- Impact on residential amenities in terms of lighting, privacy, noise and visual impact
- Increase pollution through litter and traffic which will negatively impact upon the two local schools
- The store will be open and receive deliveries at unsociable hours, including Sundays
- Vibrations from delivery lorries would destroy houses in the area with no foundations

7. Other

- Housing should be the priority for the empty site;
- No mention of energy saving measures or sustainability in the application. The proposal would only negatively impact the environment.

7.2. Please note the above is a summary of objections received and full text is available on the Council's website.

7.3. Support

1. Is there still a need for public house/ community use

- The residents association have had more than enough time to find an alternative use for the site and have failed. The pub has been closed for years and is an eyesore in the village. The current empty building is no use to the

community. Nobody has come up with a suitable alternative. Before the pub was closed, it had become unpopular and needed refurbishing. It is time to demolish the building and people should move on;

- The pub has been closed for a number of years and there are a number of public houses in Eltham and Chislehurst area (The Banker Draft, The Rising Sun, The GPO, The Queens Head, The Bulls head, Rambler Rest, Prince of Wales, Imperial Arms, The Bickley, the Gordon Area, The Crown Tavern etc). There are no larger retail shops in the area and the proposal is needed;
- Most objectors who want the pub to remain never went in there when it was open;
- There is a lack of demand for a pub in this area as existing local ones are not that popular. The proposal will serve as a community hub and make the neighbourhood more lively;
- The pub was closed down as it was not popular and not viable to be kept open. People did not support the pub before should not to support it now;
- In the latter period, The Porcupine was never a thriving pub and was not an asset to the community. It has not proved possible to reopen it as a pub since its closure;
- The reuse of this building as a pub would attract undesirable people in the village;
- The idea of a pub on the site is out of date. No one has suggested a viable alternative so why not make the site a store that will be used rather than retaining it as a derelict eyesore. The proposal would improve the visual appearance of the area;
- The current pub site is an eyesore and could be dangerous. The proposal will improve amenities for the local area;

2. Need for a retail shop

- The local shops not sufficient for residents needs as residents have to travel out of the local area to shop. The proposal will reduce carbon footprint because people will be able to shop nearer to home;
- A store selling fresh, affordable produce would be welcomed. High cost convenience stores are of no use to the community who need low cost, high quality good that Lidl can provide. The proposal would be useful for local people who currently have to travel to Eltham or Chislehurst for a large supermarket with reasonably priced food;
- The local shops sell goods for high prices so a Lidl would be more affordable;
- There is no decent local shop in the area. The Co-op and M&S are expensive. Mottingham village should have a decent supermarket;
- The pricing of goods are unreasonable. The proposal would help people on a low wage and not able to drive to the shops;
- There is a need for affordable groceries as many elderly and vulnerable people are non-motorist and are held to local expensive shops;
- This proposal will benefit the young and old, unlike the previous pub;
- The proposal would be great not only for Mottingham but for Bromley as well;
- The proposal will lift the town and contribute to employment with healthy valuable food, fresh baker and convenience good;
- Makes use of a derelict site and more job

- The existing pub has not been used and is run down. The proposal would be a brilliant idea to the area. As a former resident with family ties in the area, I support proposal;

3. Provision of parking and improvement to highway

- A number of objections refer to parking. The proposal would provide 33 parking spaces and this may actually help with the congestion in the village;
- Congestion would only be minor and there will be a car park so only minimal impact on roads;
- The pub had a car park that was used by shoppers so there was always traffic in the vicinity;
- The applicant has a track record of making parking and access issues work;
- The proposal will be used mostly by local people who will walk there. If it has longer opening hours, customer visits will be spread out to alleviate some of the parking concerns;
- Smaller delivery vehicles could be used;
- The pavement outside the library is more than what is needed so can afford to be narrowed to allow for this proposal;
- Roads currently cope with deliveries to M&S and BP garage so this will be no different;
- Site is close to several bus routes;

4. Improvement and regeneration to the Local Centre and job provision

- The proposal would provide more shopping choice and job opportunities in the area. The proposal would also bring more customers to the small shops in the area;
- As a resident, I will shop locally instead of visiting Eltham. Mottingham is in need of investment such as this proposal;
- The proposal will help older people to shop locally as they cannot manage their heavy bags from Eltham High Street. The proposal will also bring benefits to other closed shops in the village;
- The proposal will increase footfall to other local businesses and help to regenerate the village;
- Other local non-food shops will benefit from increased footfall due to the new Lidl;
- People more likely to shop in the local area than online if the store is available which means more money stays in the borough generating employment and boosting the economy;
- The proposal will encourage more regeneration of Mottingham, which at the moment is quite run down and behind other areas such as Lee and Hither Green;
- The proposal will modernise the area and would provide good opportunity for Mottingham to be improved and invested in;

5. Others

- Good for residents with children to have an affordable supermarket nearby selling healthy foods, otherwise they will grow up eating unhealthy/fast foods that are more readily available
- Lidl is a great company with high standards and the proposal would improve local amenity;
- Will help older people to shop locally as they cannot manage their heavy bags from Eltham High Street.

7.4 Letter from planning agent dated 18th February 2020

The application was withdrawn from the Development Control Planning Committee meeting agenda on the 24th January 2020, two working days prior to the scheduled date on the 28th January 2020. The applicant is aware that Mottingham Residents Association has requested the application to be deferred.

The current application is accompanied by a viability assessment prepared by David Coffey Lyons (DCL), dated April 2019. This assessment describes the marketing activity that has been undertaken in relation to the site, including the costs that will be involved in refurbishing the public house to enable its reinstatement. A viability appraisal is undertaken by DCL and confirms the property would not be viable on a freehold or free of tie lease basis. This finding was agreed by an independent viability consultant appointed by the Council, which also states that *“The key test with regards to the viability of the pub operation will be realised through the marketing campaign which to date has not correlated to any firm offers from any parties willing to operate the site as a public house. In the absence of any interest from potential occupiers, the site would not be in a position to be reinstated as a public house”*.

The MRA made reference to a viability assessment undertaken by Morgan and Clarke. This assessment was carried out during the public inquiry in 2014 six years ago. This assessment does not take into account the marketing activities that have taken place on the site since 2014, including the Community Right to Bid. The 2014 assessment is dated and does not take into account the current condition of the public house or the latest market information available regarding the performance of the local public house sector. This document is clearly out-of-date and was recognised by the Council as an independent viability consultant was commissioned to assess the current viability.

The proposal is in line with the Government’s retail policy as new retail development should be focused in defined centres which Mottingham Local Centre forms part of. The proposal will generate up to 40 full-time and part-time employment and positions will be at a range of levels of skills and seniority. The proposal is not expected to have an adverse impact on local traders as the site is located within a Local Centre with limited sales floor area. The proposal would attract shoppers and investment to the Local Centre, meeting the need for residents and diversify the uses in Mottingham.

Lidl is a highly reputable employer and places great emphasis on its staff welfare and development and abides by its “Living Wage policy”. Lidl is an equal opportunities employer and has a policy of employing local people from all backgrounds to work at their stores. Lidl offers an excellent work ethic including training opportunities for staff

to progress within the company. Lidl also recognises that supporting employees' mental health, both inside and outside the work place is essential and has a number of established tools and initiatives to support their staff.

It is clear that the alternative public house is located around 500m from the site. The distance between the Prince of Wales and the former Porcupine Inn measures approximately 498 metres on google map and this is within the policy requirement. The Council has indicated the distance is 508m. This discrepancy can be explained by the fact that the precise measurement will depend upon exactly where within the two sites the measurement is taken from.

8. POLICIES AND GUIDANCE

8.1. Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- the provisions of the development plan, so far as material to the application,
- any local finance considerations, so far as material to the application, and
- any other material considerations.

8.2. Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

8.3. The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

8.4. The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

8.5. The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.

8.6. The draft new London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This is the version of the London Plan which the Mayor intends to publish, having considered the report and recommendations of the panel of Inspectors. Where recommendations have not been accepted, the Mayor has set out a statement of reasons to explain why this is.

8.7. The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan. Ahead of publication of the final plan, the Secretary of State can direct the Mayor to make changes to the plan, and the London Assembly can veto the plan. The SoS has indicated he will respond by 16th March 2020 and any update on this will be provided verbally.

- 8.8. These factors affect the weight given to the draft plan. At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations.
- 8.9. The application falls to be determined in accordance with the following policies:

London Plan Policies:

- 2.6 Outer London: vision and strategy
- 2.15 Town Centres
- 3.1 Ensuring equal life chances for all
- 3.16 Protection and enhancement of social infrastructure
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.0 Overheating and cooling
- 5.10 Urban Greening
- 5.11 Green roofs and development site environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.16 Waste net self- sufficiency
- 5.18 Construction, Excavation and Demolition Waste
- 5.21 Contaminated Land
- 6.3 Assessing effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public realm
- 7.6 Architecture
- 7.13 Safety, security and resilience to emergency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

Draft London Plan:

- GG1 Building strong and inclusive communities
- HC7 Protecting public house
- SD6 Town centres
- SD7 Town centre network
- SD8 Town Centres: development principles and development plan documents

D1 London's form and characteristics
D2 Delivering good design
D3 Inclusive design
D10 Safety, security and resilience to emergency
D11 Fire safety
S1 Developing London's Social Infrastructure
E11 Skills and opportunities for all
G5 Urban greening
G6 Biodiversity and access to nature
SI1 Improving air quality
SI2 Minimising greenhouse gas emissions
SI3 Energy infrastructure
SI8 Waste capacity and net waste self-sufficiency
SI13 Sustainable drainage
T3 Transport capacity, connectivity and safeguarding
T4 Assessing and mitigating transport impacts
T5 Cycling
T6 Car parking
DF1 Delivering of the Plan and Planning obligations

Bromley Local Plan 2019:

20 - Community Facilities
23 – Public Houses
30 - Parking
31 - Relieving Congestion
32 - Road Safety
33 - Access for All
34 - Highway Infrastructure Provision
37 - General Design of Development
73 - Development and Trees
95 – Local Centres
113 - Waste Management in new Development
115 Reducing Flood Risk
116 - Sustainable Urban Drainage Systems
118 – Contaminated Land
119 - Noise Pollution
120 - Air Quality
122 - Light Pollution
123 - Sustainable Design and Construction
124 - Carbon Dioxide Reduction, Decentralised Energy Networks and renewable energy

Mayor of London Supplementary Guidance:

Accessible London: Achieving an inclusive environment (October 2014)
The control of dust and emissions during construction and demolition (July 2014)
Character and Context (June 2014)
Sustainable Design and Construction (April 2014)
Planning for Equality and Diversity in London (October 2007)

Bromley Supplementary Guidance:

Planning Obligation SPD

9. ASSESSMENT

9.1. The main issues to be considered in respect of this application are:

- Background and key differences between the appeal and current scheme
- Land use/Principle of Development
- Impact on non-designated heritage
- Design, layout and massing
- Residential Amenity
- Transportation and Highway
- Sustainability
- Design Out Crime
- CIL
- Head of Terms

Background and key differences between the appeal and current scheme

9.2. An earlier planning application to redevelop the site and provide a new retail unit (800 square metres of retail sales floorspace with associated facilities and 35 parking spaces) was refused in February 2014 and the following reasons were contested at appeal:-

1. Highway safety (access, serving and parking arrangement);
2. Loss of TPO trees and impact on the character and appearance of the area;
3. Security and crime prevention measures;
4. Impact on character and appearance and residential amenities;
5. Loss of public house and community facility;

9.3. The third reason (security and crime) of this refusal was removed prior to the planning inquiry which was held in September 2014 and this was based on the additional information submitted at appeal stage.

9.4. In December 2014, the subsequent planning appeal was dismissed. The main issues and grounds in dismissing the appeal can be summarised as follows:-

Issue 1: The character and appearance of the area having regard to the loss of protected trees.

It was considered by the Planning Inspector that the loss of protected trees and open space to the rear of the existing building would have a limited degree of adverse effect on the character, appearance and amenity of the area. The impact and harm would be limited and would not be sufficient to bring the proposal into conflict with the London Plan policy and UDP policies and would not weigh against the appeal scheme.

Issue 2: The living conditions of adjoining occupiers with particular reference to visual impact, noise and disturbance.

The proposed building considered at the appeal was set back from the neighbouring properties. The site is located within a Local Centre. The operating and delivery hours were considered by the Inspector as controllable through the imposition of an appropriate planning condition should the appeal be allowed. As such the Inspector afforded this matter very limited weight in the appeal scheme and did not dismiss the scheme on residential amenities.

Issue 3: The provision of community facilities:

The former Porcupine Inn was considered as an Asset of Community Value and the proposal would result in the loss of valued community facilities. An open marketing exercise would enable all considerations including viability of the site to be taken into consideration. As this was not done as part of the appeal the Inspector considered the proposal to lack evidence of marketing and dismissed the proposal for this reason.

Issue 4: The vitality and viability of the local centre

The Inspector considered that the proposed retail use would benefit the local economy and would enhance the vitality and viability of Mottingham Local Centre and this was a consideration that weighed significantly in favour of allowing the appeal. However, as stated above due to the lack of evidence to demonstrate that the loss of this asset of community value was acceptable the appeal was dismissed.

Issue 5 Highway safety

The provision of 35 parking spaces (1 parking space per 22.9sq.m sales area) was considered acceptable. The access arrangement and junction details including the dimensions of the road, turning area and dimensions of visibility splays were considered as something which should have been provided as part of the application. The Inspector considered that this could not be provided as part of any planning condition if the appeal were allowed. In the absence of these details, the appeal scheme was also considered by the Appeal Inspector to be in conflict with the provisions in the Framework concerning highway safety. The appeal was therefore dismissed for this reason.

9.5. The key differences are as follows:-

1. Reduction in sales floor area from 800sq.m to 749sq.m;
2. Reduction of parking spaces from 35 spaces to 33 spaces;
3. Realignment of Mottingham Road with detailed dimensions of the access arrangement, junction details, turning area and dimensions of visibility splays; and;

4. Proposed building would be sited 2.5m closer to the road and there will be a minimum of 4.94 metres distance between the front of the building and the back edge of the pavement; and,
5. Improvement works to the existing pedestrian crossing/refuge and road marking on Mottingham Road.

Land use/Principle of Development

Acceptable

- 9.6. The NPPF indicates that a Local Centre forms part of the Town Centre hierarchy. Paragraph 86 of the NPPF states that main town centre uses should be located in town centres and this is supported by the London Plan and Bromley Local Plan (BLP) which aim to maintain the viability and vitality of Town Centres. For new town centre uses with a floor area below 2,500sq.m, a retail sequential test and impact assessment would not be required.
- 9.7. The principle to introduce a retail use within Mottingham Local Centre is considered acceptable and would comply with the NPPF, London Plan and Local Plan which seeks to promote town centre uses within town centres. The former Porcupine Inn forms part of the Mottingham Local Centre and there is a range of shops and services (26 units) within this local centre. However, the existing range of convenience shops including comparison shops is very limited due to the number of existing retail shops being low and a high number of catering/takeaways within the Centre. There is a healthy range of good and services in the Kinneridge Cross Neighbourhood Centres and Parades. However, this centre is located in excess of 1,300 metres from the site. The site is located near to the adjoining borough and is close to a major town centre (Eltham) in the neighbouring borough with extensive ranges of goods and services including catering and drinking establishments. The provision of an additional retail shop would provide a wider range of convenience and comparison goods and choices in Mottingham Local Centre and would potentially attract shoppers here, instead of the neighbouring borough. The proposal would also provide 40 full time and part time jobs in the Borough and assist to regenerate the derelict site. As such, it is considered that the proposal would improve the attractiveness of the Local Centre and positively contribute to the shopping function of Mottingham Centre. It is considered that the proposal would also comply with the objectives of Bromley Local Plan Policy 95 which promotes an adequate range of shops and services to meet the needs of local communities.
- 9.8. There are concerns regarding job losses in the local area from the residents. The proposal would provide 40 full time and part time jobs and would contribute positively to the overall employment opportunities in the area. Furthermore, it should be noted that the previous appeal decision stated that “*the proposed retail use would benefit the local economy and would change the vitality and viability of Mottingham local centre...This is a consideration which weighs significantly in favour of allowing the appeal*”. The provision of a wider range of retail choice is therefore considered acceptable.

Whether adequate marketing has been carried out and whether the proposal would result in a loss of public house/ community facilities

- 9.9. Draft London Plan Policy HC7 (Protecting Public House) states that applications that proposal result in the loss of public houses with heritage, cultural, economic or social value should be refused unless there is authoritative marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future.
- 9.10. Bromley Local Plan Policy 23 (Public House) resists the loss of a public house except where:-
- a. there is an alternative public house within a 500 metre walking distance of the site and if the public house is located within a local parade or shopping centre, the diverse offer of that parade or centre is not significantly affected by the loss; and,
 - b. where it can be demonstrated that the business is no longer financially viable as a public house, including the submission of evidence of active marketing as a pub for a substantial period of time.
- 9.11. Where the above criteria are met any change of use must be sympathetic to the design, character and heritage value of the original building if it is considered to be a positive contribution to the local area.
- 9.12. In addition, Bromley Local Plan Policy 20 (Community Facilities) and supporting Paragraph 3.1.24 state that redundant pubs will also be required to comply with the community facilities policy. Planning permission will not be granted for a proposal that would lead to the loss of community facilities unless alternative enhanced provision is to be made in an equally accessible location for the community it serves or it can be demonstrated that there is no longer a need and 6 months marketing has been provided.
- 9.13. A public house can constitute a community facility in planning policy terms. It is noted that the former Porcupine Inn was the only public house within the Local Centre before the last operator vacated the site in March 2013. The site was also registered on the Council's Assets of Community Value (ACV) list in July 2013. It should be noted that the 5 year period as an ACV has lapsed in July 2018 and the site has remained vacant in the past 7 years without any positive contribution to the Local Centre, community or the area. The proposal would result in the loss of a public house and was highly valued by the local community. In assessing the acceptability of new development, consideration should be given to the current planning policy requirements and Paragraph 24 of the previous planning appeal decision (December 2014) which states that *"An open marketing exercise would enable all considerations such as land acquisition costs, repairs and refurbishment cost, operating cost and profiles, along with any development potential of the land to the rear of the existing building, to be factored into the assessment. Without providing such an opportunity for the market to have a say about the prospects of a public house on this site, I am not satisfied that the evidence before the Inquiry established whether such a use would be viable or not"*.

- 9.14. Paragraph 3 of the planning appeal decision also states that *“The Porcupine Inn closed down in March 2013. The site was acquired by Lidl in the same month for £1.1m, without being put on the open market”*.
- 9.15. Since planning permission was dismissed in December 2014, the applicant has considered a range of options for the site. In 2016, the applicant decided to dispose of the site and commenced marketing the site. The Council was notified of the applicant’s intention to dispose of the site. A 6 month moratorium period (commenced in June 2016 and expired in December 2016) and the procedures set out under Section 88 (2) of the Localism Act 2011 were followed. This provided local community groups with the opportunities to acquire the site for re-occupation as a public house, or other community uses. However, the acquisition bid for the site from the local community (The Porcupine Inn Development Committee which operates under the name of Greenwich Co-operative Development Agency) did not materialise. There were no successful undertakers.
- 9.16. The applicant has continued to market the site after the expiry of the moratorium period in December 2016. The applicant has advised that there were no offers received from pub operators. The majority of the offers received were for housing or commercial development.
- 9.17. Following a review of the marketing results, the applicant has instructed a leisure property specialist Davis Coffey Lyons to commence a further open marketing exercise in November 2018. The property was advertised by Davis Coffey Lyons, advertisements were placed in the Morning Advertiser and a sales board was erected at the site. The site has been offered for sale locally and London-wide in appropriate publications and through an authoritative specialised agent. As such, it is considered that reasonable measures to market the site have been taken.
- 9.18. The applicant has received an offer to rent by a pub operator. However, this offer did not materialise after viewing the property. The applicant has also received offers for a care home and supermarket development. There were no other offers for pub uses received.
- 9.19. This application is accompanied by a viability assessment which includes an appraisal of refurbishment costs and the condition of the former public house site and viability tests. This viability assessment has been assessed and endorsed by an independent viability consultant appointed by the Council. It is considered that the refurbishment cost and business modelling assessment made by Davis Coffey Lyons are not unreasonable. The independent viability consultant has also advised that the property has been marketed for 12 months which reflects the demand of its land use. In the absence of any interest from potential occupiers, the site would not be in a position to be reinstated as a public house.
- 9.20. Overall, it is considered that the site has been marketed for a prolonged period of time since 2016 and there were no firm and successful offers received to bring the site back into its former use. In view of the viability assessment which has been reviewed by an agreed independent viability consultant, it is considered that the property has been extensively marketed and the site would not be viable for its former use. As such, it is considered that the loss of public house would be justified

in this instance. The viability report prepared by Morgan and Clarke Chartered Surveyors was a viability assessment carried out in 2014 associated to the previous planning appeal. The findings of this dated report were reflected in the previous planning appeal decision. The current application is accompanied by an updated viability assessment including an open market exercise in line with the comment raised by the previous Planning Inspector.

- 9.21. Furthermore, the Prince of Wales Public House (154 Mottingham Road) remains as the nearest alternative public house located approximately 508 metres south from the site. This is marginally over the 500 metres requirement set in Bromley Local Plan Policy 23. On balance, it is considered that there are alternative choices of public houses in the local area and this is considered acceptable.

Impact on non-designated heritage

Acceptable

- 9.22. NPPF Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage assets. This is consistent with Bromley Local Plan Policy 40 which states that where non-designated heritage assets are highlighted as at risk of harm from a planning application, clear demonstrable reasons or evidence of their significance will be required. Where the Council agrees that such assets are worthy of protection, proposals to replace such a building will be assessed against the NPPF, taking into account the scale of harm or loss and the significance of the heritage asset.
- 9.23. The site is not located within a Conservation Area and the building is not listed. The site is located approximately 14 metres south from the Grade II Listed War Memorial. Mottingham was originally a hamlet in Eltham Parish, in Blackheath, Kent. The County of London was created in 1889 and Mottingham was excluded from the new county and the area transferred from Kent to Greater London in 1965, which now forms part of the London Borough of Bromley. The site has a history of public house use. However, the original building was demolished and rebuilt due to bomb damage in the First World War. The design of the existing public house mimics the post war houses on West Park and does not pose any significant architectural value.
- 9.24. The principle to demolish the building with a replacement building was considered acceptable by the Planning Inspectorate. Paragraph 10 of the previous appeal decision states that, "*I have no reason to find that it would not be an appropriate replacement building in terms of its effect on the street scene*". The Council's conservation officer has reviewed the planning appeal decision, heritage statement and condition of the existing building, it is considered that the existing building does not pose any special architectural merits or have any significant heritage value. The Council's conservation officer has also considered that the proposal would not have an adverse impact in the area and the setting of the listed memorial. Historic England has advised that there is no requirement to be consulted.

- 9.25. The applicant has acknowledged the historic use of this site as a public house. A commemorative information board in recognition of the site history is proposed. It is considered that the details of the commemorative information board should be secured by a planning condition.

Design, layout and massing

Acceptable

- 9.26. The proposed building is contemporary and is designed with a pitched roof. The proposed building would comprise of two floors with a storage area and a manager's office above the sales area on the ground floor with a maximum height measuring 9.4 metres. The external finishes of the building would consist of clear glazing, bricks and tiles to match the surrounding properties.
- 9.27. The proposed building would be sited away from the residential properties on Devonshire Road to ensure adequate distance between the proposed building and the neighbouring properties can be maintained without causing any adverse impact on residential amenities.
- 9.28. The proposed site layout plan indicates that the vehicular access to the site would be sited away from the War Memorial roundabout. The northern vehicular access would be removed and new replacement planting would be provided near to the new access. The disabled and parent and child parking spaces would be located near to the building door.
- 9.29. Overall, it is considered that the design, layout and massing of the proposal would be acceptable and would not appear out of keeping with its surrounding area.

Residential Amenity

Acceptable

- 9.30. Paragraph 170 (e) of the NPPF states planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans. This is consistent with Bromley Local Plan Policy 4 which seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 9.31. No. 4 to No. 26 Devonshire Road, No. 28A Mottingham and the residential flats located on the northern side of Mottingham Road would be the nearest residential properties impacted by the proposal.

Air quality

- 9.32. The application is accompanied by an Air Quality Assessment which has been reviewed by the Council's Environment Health department. The site is located outside the Council's Air Quality Management Area. There are no sensitive ecological receptors identified. Key pollutants associated to the proposal have been identified as dust generated by construction activities, and nitrogen dioxide (NO₂ and NO_x) and fine particulate matter (PM₁₀) predominantly associated to the road traffic during construction and operational phase. Air quality monitoring data has been collected as part of this assessment which indicates that the impact of the proposal is low and the receptors is negligible. The proposed development would not require any on-site combustion plant such as gas/fuel boilers or Combined Heat and Power (CHP) units and power would be supplied by the National Grid or solar panel.
- 9.33. The Air quality Assessment concludes that overall the air quality assessment has considered the likely impact of the proposed development on local air quality and on the proposed receptors being introduced into the area. Their assessment concludes that with the implementation of the recommended on-site mitigation measures, it is considered that air quality would not pose a constraint to the redevelopment of the site. The Council's Environment Health has considered that the submitted details are adequate and acceptable.

Noise and vibration (plant and car park)

- 9.34. A revised Noise Survey and Impact Assessment in line with the NPPF, NPPG and British Standard 4142:2014 (BS4142) was submitted with the application and has been reviewed by the Council's Environmental Health. The noise baseline data was collected at 13:15 hours on 1st April 2019 and finished at 10:15 hours on the 3rd April 2019. The details of parking layout, specification and details of the proposed external plants and 2.4 metres high acoustic fence are provided in assessing the impact of the proposal. The proposed opening hours would be limited between Monday – Saturday, 08:00 – 22:00, Sunday 10:00 – 16:00 and delivery hours be limited between Monday – Saturday, 08:00 – 21:00, Sunday 10:00 – 16:00. It is demonstrated that the noise associated to the external plants and traffic of the proposed store would be within the environmental limit and would not have an adverse impact on the neighbouring residential properties on Devonshire Road.
- 9.35. The Council's Environmental Health Officer is satisfied with the assessment and is recommending planning conditions to restrict (1) the use of the site as retail (Class A1), (2) installation and maintenance of acoustic fence prior to the first occupation of the unit, (3) opening hours be limited between Monday – Saturday, 08:00 – 22:00, Sunday 10:00 – 16:00 and (4) delivery hours be limited between Monday – Saturday, 08:00 – 21:00, Sunday 10:00 – 16:00 should be secured by planning conditions.
- 9.36. Noise and vibration during construction would be controlled through the implementation of measures to be set out within a Construction Management Plan (CMP) secured through condition.

External lighting

9.37. External lighting is considered to be essential for the car park and servicing delivery in particular, during evening hours and the winter season. 6 x 6 metres high lighting columns would be installed in the car park and would not be facing the neighbouring properties. 4 recessed down lighters and 8 wall mounted lights would be installed on the building. The lighting layout plan including the Lux value is provided which confirms the lighting levels at the site boundary will not exceed 5 Lux, except on the site access road. The proposed lighting will not cause excessive glare to the neighbouring residential properties

Outlook, sense of enclosure and privacy

9.38. The proposed building would be visible from the rear and side of the neighbouring properties on Devonshire Road and Mottingham Road. However, the back to side distances between the proposed building and the neighbouring properties on Devonshire Road ranges between 16.7m and 23.1m. As such, it is considered that adequate distances between the buildings can be maintained.

9.39. The impact on residential amenities was considered acceptable when the previous scheme was considered at appeal. Paragraph 17 of the appeal decision states that *“The foodstore and its parking and servicing would change views of the appeal site from neighbouring properties. However, given the setback distances of the proposed building from residential properties and taking into account that this is a designated local centre, where some development could be expected to take place. I do not consider that any harm to the outlook from nearby residential dwellings would be a consideration that would weigh against the proposal. Similarly, with appropriate boundary treatment, reasonable standards of privacy for this area could be maintained”*.

Transportation and Highway

9.40. The Draft London Plan sets a maximum parking standard for retail use in outer London at a ratio of 1 parking space for every 50sq.m retail floor area (GIA). The proposed gross internal floor area measures 1,380sq.m and a maximum of 28 parking spaces should be provided to accord with this. The proposal would provide 33 parking spaces and would be above the maximum standards set in the draft London Plan. There is no parking standard set for non-residential development in the Bromley Local Plan. The Council’s highway officers have advised that the site is within a low (rated at 2) Public Transport Accessibility Area with 3 bus routes serving the area. The proposed parking ratio in the current application would be 1 parking space per 23sq.m and would be the same as the appeal scheme, which was considered acceptable by the Planning Inspectorate.

9.41. The Transport Statement indicates that the average dwell time/ turnover of parking spaces is 25 minutes. Parking stress surveys have been carried out in roads up to 500m from the site and a further analysis of parking availability within 200m of the site during the peak periods (17:00 – 18:00 Thursday and 12:00 – 13:00 Saturday) which indicates that there is a high demand for on-street parking in the area. The provision of 90 minutes free parking may attract visitors making linked trips in the area and could undermine the dwell time of the parking spaces.

9.42. A car park management strategy is submitted which indicates that the parking spaces would be provided for their customers only. Appropriate signage will be placed at the entrance and within the car park. The customers' free parking period is on a maximum basis and no vehicles can return to the site within a one hour period. A number plate recognition system will be used to monitor the use of the car park. A car park usage and management will be carried out after a 3 to 6 months monitoring period. Given that the car park will be monitored and the usage will be managed and reviewed by the applicant, it is considered that adequate level of parking spaces can be provided. There is no parking restriction near the entrance of the site on Sunday. The Council's highway officers consider that the waiting restriction in the area should be monitored and reviewed, prior to its first occupation. The cost to monitor, review and amend the waiting restriction/amendment of traffic order shall be met by the developer. The final decision on the need for amendments should be made by the highway authority.

Access and highway improvement works

9.43. Adequate visibility is essential to ensure highway safety. There are two existing vehicular accesses to the site and it is proposed to remove the existing accesses and replace these by a single and central access. Table 7.1 and Figures 7.18 in the Manual for streets set out the recommended values for junction distances (X and Y values) and in line with the road speed limit. A visibility of 2.4m x 43m should be provided at the access junction.

9.44. The sightline to the right (east) is restricted by the existing building line with restricted visibility. This was highlighted by the Planning Inspectorate in dismissing the previous scheme. The previous appeal scheme indicates the visibility splay would achieve 2.4m x 30m to the east and was not considered adequate and would not be appropriate for the access details to be considered at planning condition stage. Paragraph 37 of the previous appeal decision states *"I do not consider that the access arrangements shown on the proposed site plan 4974 PL 02 G would be acceptable....the details would need to be determined as part of any permitted development proposal.*

9.45. The current proposal would achieve the required visibility splay of 2.4m x 43m and this is supported by detailed footway dimensions confirming its size, position and distance. The sightline to the right is restricted by the existing building line and in order to achieve the required visibility, the footway near the entrance of the site on both side of the road will need to be adjusted.

9.46. The width of the existing southern footway measures between 1.88m and 3.05m. It is proposed to increase the width of the southern footway by between 0.6 and 1.35. The width of the proposed southern footway would measure between 2.89 and 3.59m. The average width would be increase from 2.47m to 3.27m.

9.47. The width of the existing northern footway measures between 2.81m and 3.76m. It is proposed to reduce the width of the northern footway by between 0.53m and 1.29m. The width of the proposed northern footway would measure between 2.02m and 3.23m. The average width would be decrease from 3.16m to 2.78m;

- 9.48. Footway provision is an essential factor in encouraging or hindering walking. The proposed realignment works would have an impact on the pedestrian walking environment due to the proposed changes. However, the width reduction on the northern footway is not considered to be significant. It should be noted that the existing flower bed adjacent to the library would be retained. The distance between the front door of the library and back edge of the footway would measure approximately 5 metres. Furthermore, it should be noted that the pedestrian flow is varied during the day. Mottingham Library is closed on Tuesday, Thursday and Sunday. The library opens on Monday 930 to 1300 and 1400 to 17.30, Wednesday 9:30 to 15:00 and Friday between 930 to 1300 and 14:00 to 20.00. As such, it is considered that adequate distance can be maintained.
- 9.49. As part of this application, it is proposed to improve the existing pedestrian facility in line with the recommendation of the Stage 1 Road safety report. The Council's highway officers were consulted and there was no objection to the proposed access, realignment of the footway and improvement of the existing pedestrian crossing. The Council's highway officers have also advised that the store shall not be occupied until the required works are completed. The development shall be subject to a Stage 2 Road Safety Audit prior to commencement of work and a Stage 3 Road Safety Audit prior to the first occupation. The waiting restriction in the area should be monitored and reviewed as an amendment of the traffic order to include Sunday may be required.

Servicing and roundabout capacity

- 9.50. The servicing and delivery hours will be carried out during the opening hours and up to twice per day. Given that the site is adjoining to residential properties, early or late deliveries would not be supported. It should be noted that the servicing and delivery hours of the previous appeal scheme included earlier hour deliveries, before 8:00am. The current servicing and delivery hours will be carried out during sociable hours.
- 9.51. The swept path for the delivery vehicle will occupy both carriage ways of Mottingham Road and this was considered acceptable in the previous appeal. The site was occupied as a public house with large vehicles servicing the site. Should planning permission be agreed, a delivery, servicing and waste management plan should be secured by a planning condition.
- 9.52. A roundabout capacity assessment at the junction of West Park and Mottingham Road has been carried out. This assessment indicates that the junction would operate within its capacity with minimal queues during the period hours. The Council's highway officers have reviewed this assessment and have advised that there is no information to contradict this finding.

Trees

- 9.53. A Hawthorn tree (Category U) and an Oak tree (Category B/C) located to the rear of the building are the subject of a Tree Preservation Order (TPO), which has been in place since November 2013.

- 9.54. The site and the TPO trees were inspected by an arboricultural consultant in 2018. The Hawthorn tree has been subject to decay since 2013 and this was documented in the previous appeal decision (Paragraph 12) which states *“it was evident from my site inspection that the part of the tree close to the ground where its two main limbs divided is decaying, which could limit how long it could be retained, particularly as part of its limbs overhang the boundary fence of the adjoining residential property”*.
- 9.55. The oak tree is located close to the boundary with the motorcycle showroom building and with the branches overhanging the neighbouring properties it has been lopped in an unprofessional manner resulting in splits and decay. The condition of the oak tree was also documented in the previous appeal decision (Paragraph 13) which states *“It is located close to the boundary with the motorcycle showroom property, and it appears that the adjoining occupier has in the past removed limbs that overhang the boundary. This has not been done sensitively, which has damaged some branches, and give the tree a misshapen crown”*.
- 9.56. The principle to remove the TPO trees and the provision of adequate replacement planting along the frontage of the site was established, when the previous scheme was dismissed. Paragraph 14 of the previous appeal decision states *“the loss of protected trees is a consideration which at least to some degree, weighs against the appeal. But this would not be sufficient to bring the proposal into significant conflict with the UPD policy NE7 or London Plan 7.21 which seeks to retain existing trees of value, but also provides for replacement following the principle of right place, right tree.”*
- 9.57. Paragraph 15 of the previous appeal decision also states *“the loss of protected trees and open space to the rear of the existing building would, to some extent, have an adverse effect on the character, appearance and amenity of the area. However, this would not be sufficient to bring the proposal into any conflict with the aim of the London Plan policies 7.4 and 7.5 and UDP policies BE (i) (ii) or (iii). I do not consider that any harm to the character and appearance of the area resulting from the appeal scheme would weigh much against the proposal”*.
- 9.58. The proposed landscaping plan indicates that 4 replacement trees (*Crataegus monogyna stricta*) and new shrub (*Viburnum tinus*, *Choisyya ternate*, *Ilex aquifolium*, *Symphoricarpus albus*, *Laurus nobilis* and *Mahonia aquifolium*) would be provided within the site. It is considered that adequate replacement planting can be provided and biodiversity can be maintained within the site.
- 9.59. The Council’s tree officer has advised that 10 replacement trees were provided in the previous appeal scheme. It is recommended that a minimum of 12 replacement trees should be provided and at least 50% of the replacement trees should be planted at a location visible from the road. It is considered that the details of the replacement trees of sufficient quantity and quality can be provided within the site and these details can be secured by a planning condition.

Sustainability

Carbon emission

- 9.60. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.
- 9.61. The anticipated on-site regulated carbon dioxide emission (Building Regs 2013 Compliant Development) is 59.27tCO₂ per annum. A range of renewable technologies have been investigated and solar photovoltaic (PV) array is considered to be the most appropriate. The proposed sustainability measures would achieve a 36% carbon saving on site. The Council energy officers are satisfied with the proposed sustainability measures and the proposal would comply with the policy requirement achieving over 35% carbon saving.

Drainage

- 9.62. Mottingham Road and the surrounding highway network are subject to surface water flooding. In line with the National Planning Policy Framework and relevant policies, new development should utilise sustainable urban drainage systems unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off managed as close to its source as possible.
- 9.63. A Drainage Assessment and Surface Water Drainage Strategy has been submitted and this demonstrates that the surface runoff from the development will be controlled the lifetime of the development without any increased flood risk in the area.
- 9.64. The current surface water discharge for the development ranges from 11.3 litres per second for the 2 year event to 28.9 litres per second for the 100 year event. The proposed sustainable urban drainage strategy for the site will include the provision of a modular storage and a permeable paving system to be located within the car park with a peak flow restricted to 5.6 litres per second. Permeable paving will provide approximately 17sq.m storage. The proposed attenuation tank will provide approximately a further 101sq.m of storage required to retain the 1 in 100 plus 20% climate change event. This represents a reduction of surface water flow of more than 50% when compared to the existing surface water discharge for the 2 year event and significantly less when compared to the existing 30 year and 100 year events. A by-pass petrol interceptor is proposed to treat pollutants which arise from car park run-off prior to discharge.
- 9.65. The Council's Sustainable Drainage officer has reviewed the proposed measures set out in the submitted drainage assessment and surface water drainage strategy. It is recommended that the detailed designs should be secured by a planning condition, prior to any work commencing on site. Thames Water has advised that the site is located within 15 metres from their waste water assets and there are public sewers crossing or close to the site. An informative should be attached advising the presence of their assets. Development would be expected to demonstrate what

measures will be undertaken to minimise ground water discharges in the public sewer. Any discharge of groundwater into a public sewer will require consent from Thames water and an informative should be attached. It is recommended that a petrol /oil interceptors be fitted in the car park

Design Out Crime

- 9.66. Bromley Council Policy 37 and London Plan Policy 7.3 are relevant with regards to secure by design. The policy notes that the Council will require developments to demonstrate that they have incorporated design principals which contribute to community safety and security, particularly in an area with a relatively high level of crime.
- 9.67. A security gate will be installed in the car park and attached on the flank wall of the proposed building. The security gate will be used outside the opening hours. The Metropolitan Police was consulted in respect of the current application and recommended that a standard planning condition requiring the development to achieve Secured by Design accreditation be attached.
- 9.68. It should be noted that this part of the proposal is identical to the pervious appeal scheme which was endorsed by the Metropolitan Police's Design Out Crime Officer and did not form a planning reason at appeal stage in 2014. Paragraph 2 of the planning appeal decision states "*LBB advised by email dated 1st August 2014 that its Plans Sub Committee agreed not to contest the appeal on its third reason for refusal, which concerned crime prevention. This was on the basis of revised drawings showing a proposed gate and potential security measures agreed between the appelland and the Metropolitan Police's Design Out Crime Officer*".
- 9.69. Subject to the secured by design planning condition, it is considered that this part of the proposal would be acceptable.

CIL

- 9.70. The proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL). Based on the Mayor's CIL charging schedule and the information provided as part of the application, the Mayoral CIL is based at £60 per square metres at the present time.

Head of Terms

- 9.71. S106 Legal Agreement: - £5,000 financial contribution to review and amend traffic waiting restriction in the area.
- 9.72. S278 Highway works: - (1) Improvement to the pedestrian crossing; and (2) Realignment of footway.

Conclusion

- 9.73. Subject to the planning obligations and planning conditions, it is considered that the proposal is acceptable and would not impact detrimentally on the character of the area, retail function, highway safety or residential amenities. Marketing details and a viability assessment have been provided and confirm the lack of market demand for a public house at this site. As such, it is considered that the proposal would be acceptable and planning permission be granted.

RECOMMENDATION: PERMISSION subject to a S106 Legal Agreement, S278 highway works and the following planning conditions:

Standard condition

- 1. Time limit of 3 years for commencement**
- 2. List of drawing numbers**

Pre- commencement

- 3. Construction management plan**
- 4. Details of materials**
- 5. Stage 2 Road Safety Audit**
- 6. Review of waiting restrictions in the area and amendment of traffic order**

Prior to occupation

- 7. Installation of security gate**
- 8. Stage 3 Road Safety Audit**
- 9. Replacement planting and trees**
- 10. Car park management plan**
- 11. Servicing and delivery plan**
- 12. Sustainable water drainage**
- 13. Details of replacement trees**
- 14. Carbon emission measures**
- 15. Details of commemorative information board**

Compliance conditions

- 16. Opening hours: - 08:00 to 22:00 Monday to Saturday and 10:00 to 16:00 on Sunday**
- 17. Delivery hours: - 08:00 to 21:00 Monday to Saturday and 10:00 to 16:00 on Sunday**
- 18. Parking to be provided as approved**

Any other planning condition(s) considered necessary by the Assistant Director of Planning

Informatives:

- 1. Road safety Audit shared by prepared and in agreement with the Council's Highway.**
- 2. Code of Practice for Construction Sites**
- 3. Fire Brigade**
- 4. Thames Water**

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Agenda Item 8

Committee Date	18/03/2020	
Address	Land Rear Of Tesco Stores Edgington Way Sidcup	
Application number	18/05599/FULL1	Officer Victoria Wood
Ward	Cray Valley East	
Proposal (Summary)	Construction of 13 units to be used for Use Classes B1(c), B2 and B8 together with access from Edgington Way, Sidcup and creation of access from the Fitzroy Business Park, car parking and associated works.	
Applicant	Chancerygate No. 5 Limited	Agent DWD
c/o Agent	6 New Bridge Street London EC4V 6AB United Kingdom	
Reason for referral to committee	Outside delegated authority	Councillor call in No

RECOMMENDATION	PERMISSION SUBJECT TO LEGAL AGREEMENT
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<p>KEY DESIGNATIONS</p> <p>Areas of Archeological Significance Biggin Hill Safeguarding Area Adjacent to Green Belt London City Airport Safeguarding Sites of Interest for Nat. Conservation Smoke Control SCA 20 Sites of Special Scientific Interest Strategic Industrial Location</p>
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Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	None	None
Proposed	Classes B1(c), B2 and B8	10,383 m ²

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	0	143	+143
Disabled car spaces	0	13	+13
Cycle	0	33	+33

Electric car charging points	32 (20% of total) with a passive provision for future electrification.
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Representation summary	Neighbour letters were sent 23.01.2019 and again on 09.05.2019 A site notice was displayed on 05.03.2019 A press advert was published on 30.01.2019
Total number of responses	15
Number in support	1
Number of objections	14

Section 106 Heads of Term	Amount	Agreed in Principle
<ul style="list-style-type: none"> £20,000 to upgrade the SCOOT traffic control system at Crittals Corner secured by s106 A vehicle monitoring protocol to limit site traffic to be secured by s106 	£20,000	Yes

<ul style="list-style-type: none"> • Reviewing and revising the road markings for the A223 Edgington Way/Tesco Access to be secured by s106 		<p>Following discussion with the agent and highway officers there is no need to include this requirement and as such this has been removed.</p>
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UPDATE

This application was deferred without prejudice by Members of the Development Control Committee at the meeting held on the 28th January 2020, for the following reasons:

- 1 For further work to be carried out by the Highways Team to assess Sandy Lane's capacity to deal with additional traffic.
- 2 To seek confirmation from the freeholders of Fitzroy Business Park that they agree to the proposals; and
- 3 To seek the provision of 20% active and 80% passive electric vehicle charging points.

Each point will be addressed in turn:

1 – Highways:

Additional information has been received from the Applicant's Consultants with particular reference to the AM peak modelling which was where concerns had been raised. Looking at the AM peak trip generation, vehicle trip rates were derived from the industry standard TRICS database, which allows predictions to be made of likely trip generation based on surveys of existing sites within the same land use. The calculations are based on sqm Gross Floor Area (GFA), rather than the number of parking spaces, where the latter can vary according to parking standards between different authorities.

The results of the modelling showed that there were no issues at the junction of Fitzroy Business Park and Sandy Lane, with plenty of spare capacity. The Ruxley Corner roundabout currently operates at approximate capacity in the morning peak. The modelling showed an increase in queue length of around 6 vehicles as oppose to 2 vehicles with the single access scheme.

The Consultants have stated that the calculations that have been presented are considered to be extremely robust for a number of reasons including that the assessment is based on all of the proposed floorspace being taken up by B1c/B2 occupiers when the developers have indicated that the vast majority of their developments are occupied by B8 land uses (which have lower vehicle trip rates). At the request of TfL, these trip rates

were then increased by a further 38% to reflect what they perceived to be the overprovision of parking against London Plan standard. The technical work informing the assessment followed an extended period of scoping and peer review with relevant statutory bodies, particularly TfL, to ensure that the assessment is robust.

The consultants have also pointed out that their client has agreed to a Vehicle Monitoring Protocol to keep track of the trips generated by the site, with financial penalties incurred, to go towards improving sustainable travel. The threshold at which these penalties become payable is 69 vehicle trips in the AM peak across the site as a whole. This is seen as further evidence of the confidence placed on the predicated trip rates by the Applicant.

Members raised concerns over the impact of the development in respect to the existing situation at Selco. It is understood that in the course of collecting baseline traffic information, video surveys were undertaken, one of which captured the interaction between vehicles seeking to pass lorries illegally parked on Sandy Lane. This shows that two way traffic still flows past a parked lorry, even taking into account queues onto Ruxley Corner roundabout. These surveys were used to calibrate the baseline junction model.

The aerial photo below from 2014 also shows 2 way traffic flows past parked lorries.



Looking at the evidence the modelling of the roundabout has been carried out in the normal way the Highway Officers would expect and it has been scrutinised in depth by TfL. There will be an impact on Sandy Lane and the Fitzroy Business Park from the proposed development but there is no evidence that it would be significant to indicate

that a ground of refusal could be supported. Consequently, there are no technical objections raised in this regard.

The estimated volume of traffic using this road is minimal (TRICS outputs are the highest in the AM peak between 08:00 – 09:00 am where the highest number of two way trips is 30) as shown in the traffic modelling data which has been provided.

TRICS outputs are the highest in the AM peak between 08:00 – 09:00 am where the highest number of two way trips is 30.

The TRICS outputs on which the trip rates are based are broken down by hour, i.e. 0800-0900, 0900-1000, 1000-1100 etc. The modelling undertaken uses 0800-0900, which is the highest hour in the AM period and the agent has set out below the number of trips generated via Sandy Lane for the different land use splits.

5584sqm GFA accessed via Sandy Lane	0800-0900		
	Arr	Dep	Two Way
B1/B2 Trip Rate per 100sqm	0.336	0.05	0.386
B8 Trip Rate per 100sqm	0.087	0.078	0.165
33% B1 / 33% B2 / 33% B8	14	3	17
100% B1	19	3	22
100% B1 + 38% uplift requested by TFL	26	4	30

To confirm, the equivalent number of trips generated for 0900-1000 would be 22, and for 1000-1100 would be 18.

The calculations already provided have been prepared to follow industry best practice and are extremely robust and have been examined by Bromley, Bexley and TfL Highway officers.

The calculations that have been presented are considered to be extremely robust for a number of reasons, including:

- The assessment is based on all of the proposed floorspace being taken up by B1c/B2 occupiers (which generate higher vehicle trip rates) when Chancerygate’s experience is that an average of 90% of their developments are occupied by B8 land uses
- At the request of TfL, these trip rates were then increased by a further 38% to reflect what they perceived to be the overprovision of parking against London Plan standard

2 – Access:

The owners of the Fitzroy Business Park have been consulted as part of this application and have subsequently raised an objection with regards to highways which is set out below in the additional comments section.

The applicant has provided a copy of the original marketing material for the Fitzroy Business Park. The subject development is clearly shown as phase 2 of Fitzroy

Business Park. The access is also clearly showed as been through phase 1 Fitzroy Business Park. The only reason the applicant can provide dual access is by agreement with Tesco, from whom they purchased the site.

The Title allows the owner of phase 2, namely the applicant, the same rights and restrictions as the owners of units 1 – 11 in phase 1. Furthermore, the applicants will be required to pay towards the use of the estate road through phase 1, however this would ultimately be a private legal matter.

3 – Electrical Vehicle Charging Points:

The applicant has confirmed that they will provide 20% active and 80% passive electric vehicle spaces as per the emerging London Plan which is noted to be above the current London Plan and Bromley Local Plan standards.

Additional comments:

In addition further representations have been received from the Transport Consultant acting for the owners of the Fitzroy Business Park. They support the other scheme under ref: 18/05600/FULL1 with access only from Edgington Way for the following reasons.

- *There is no loss of parking capacity within Fitzroy Business Park*
- *No additional traffic is loaded upon Sandy Lane. As we discussed, Sandy Lane is already heavily parked and vehicles waiting to enter Selco obstruct southbound traffic*
- *By routeing via the Tesco store, a much smaller proportion of traffic to/from the scheme would need to travel via Ruxley Corner.*

In contrast they request the Council to refuse application 18/05599 for the following reasons:

- As can be seen from Google Maps, Sandy Lane north of the access is already heavily parked. Vehicles also park opposite the Fitzroy Business Park access, which means that vehicles turning right into the Business Park obstruct southbound traffic flow
- Formation of the access into the Chancerygate scheme will require the loss of an area within the Fitzroy Business Park which is used for vehicle parking. As the Fitzroy Business Park is already parked to capacity, it follows that formation of the access will force extra vehicles to park on Sandy Lane
- Additional traffic would also be loaded onto Sandy Lane as a result of the application
- The combination of additional traffic and parking on Sandy Lane is likely to add to existing congestion issues, which in turn could result in road safety issues
- There would be a greater impact upon Ruxley Corner as a higher proportion of traffic to/from the Chancerygate scheme would be routed via the roundabout.

Highway officers have reviewed this objection and confirm that there is no quantifying of the numbers of parking spaces likely to be lost in the Business Park. It is therefore assumed that it would only be where the new access joined the existing road which may result in a loss of around 3 spaces. There is controlled parking with double yellow lines

and parking bays where appropriate between Fitzroy Business Park and the roundabout. Whilst there may be a slight impact on parking, on balance this is not seen as significant.

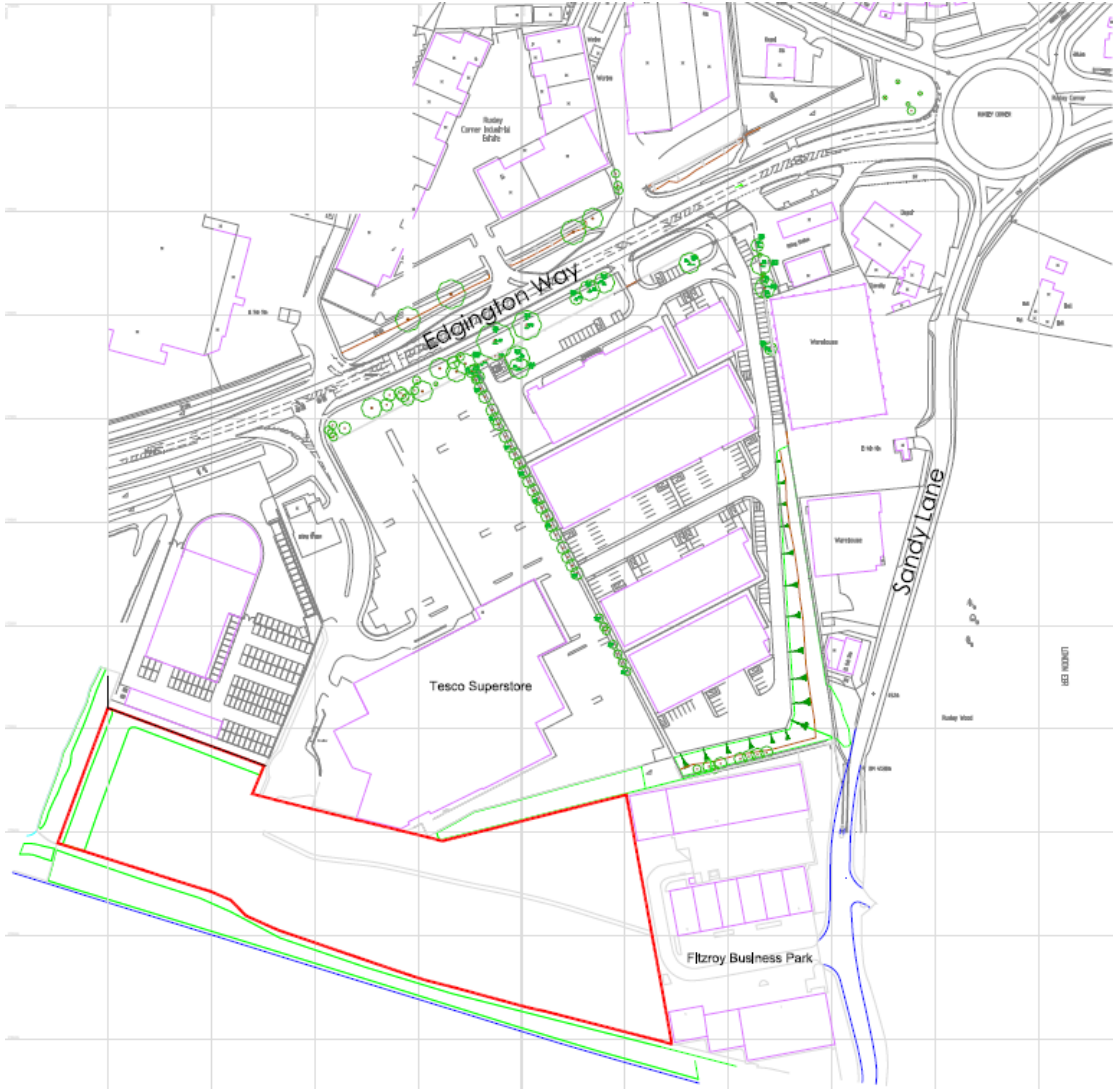
The original report is repeated below and updated where necessary.

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposed development would create good quality B1(c), B2 and B8 units;
- The site is located within the Cray Business Corridor (Foots Cray), which is recognised as a Strategic Industrial Location (SIL) and as such the principle of development is policy compliant and appropriate in this designated employment area.
- In addition, the proposal would bring a long standing, underutilised site, back into an industrial/commercial use in accordance with NNPF, London Plan and local policy aspirations;
- No unacceptable impact would arise to neighbouring occupiers; and
- No unacceptable Highways impacts would arise.

2. LOCATION

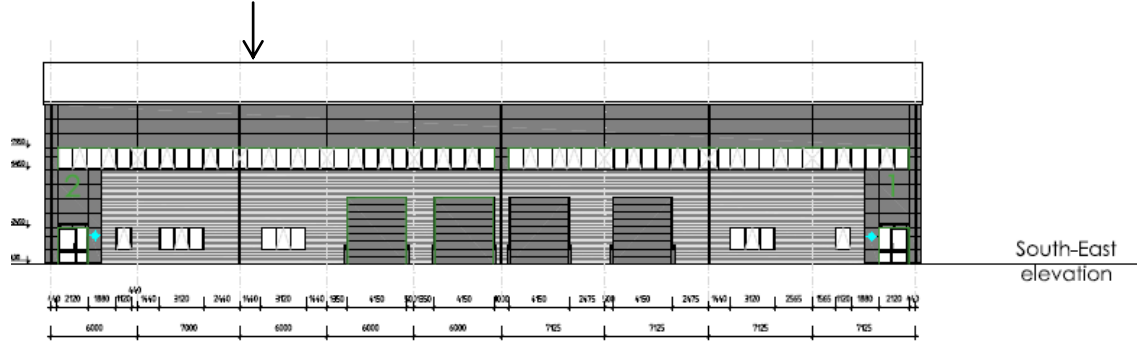
- 2.1 The proposed site is 2.06ha and located to the south of the Tesco Sidcup Superstore and Lancaster Sidcup Garage (Porsche), north of the A20 Sidcup By-Pass and is accessed from the existing site access road which serves Tesco and the Porsche Garage.
- 2.2 The area comprises of commercial buildings, mainly out-of-town retail, trade and industrial units.
- 2.3 The river Cray runs along the western boundary with the whole of the site within Flood Zone 1 (low risk of flooding) on the Environment Agency Flood Map and adjacent to Green Belt, a Site of Importance for Nature Conservation (SINC), a Site of Special Scientific Interest (SSSI). The site is within the Cray Business Corridor (Foots Cray), which is recognised as a Strategic Industrial Location (SIL).



3. PROPOSAL

3.1 The proposal is for the redevelopment of a 2.17ha site to accommodate 13 new B1c/B2/B8 units in 6 blocks with a total gross external area (GEA) of 11,190 m² with car parking and associated works with access from Fitzroy Business Park and Edgington Way, Sidcup.

Front elevation of Units 1 & 2





- 3.2 The proposed development will utilise an access from the Tesco superstore and from the Fitzroy Business Park, the traffic generated will be split between the two-accesses with pedestrian and cycle access again from both Fitzroy Business Park and Edgington Way.
- 3.3 The site is has a PTAL of 2, with areas surrounding the site between 1b and 2. The proposal would provide 156 onsite parking spaces including 13 disabled spaces, 32 with active electric vehicle charging points (20% of total) and 32 spaces with a passive provision for future electrification. The development proposes 33 cycle spaces.
- 3.4 The site is an undeveloped piece of land that was created by the construction of the Sidcup by-Pass in the late 80's/early 90's. The eastern part of the site (known as Fitzroy Business Park) was development in 2007.

4. RELEVANT PLANNING HISTORY

- 4.1 Under ref: 18/05600/FULL1 – Members resolved to grant planning permission subject to the completion of a S106 for the construction of 13 units to be used for Use Classes B1(c), B2 and B8 together with car parking and associated works with access from Edgington Way, Sidcup.
- 4.2 The development at Fitzroy Business Park is also considered relevant to this application:
- 4.3 At the Fitzroy Business Park under ref. 06/03868 permission was granted for the construction of 11 units for Class B1/B2/B8 use, car parking/access road and road improvement works to Sandy Lane.

- 4.4 Under ref. 07/02131 permission was allowed at appeal for the variation of condition 14 attached to permission ref. 06/03868 to allow opening between 06.30 and 20.00 hours Monday to Saturday and between 08.00 and 14.00 hours Sunday and Bank Holidays. This application was refused on the following ground:
- 4.5 Under ref. 07/02471 permission was granted for external ventilation flues to Unit 1.
- 4.6 Under ref: 07/03525 permission was allowed at appeal for the variation of condition 14 attached to permission ref. 06/03868 to allow opening between 06.30 and 20.00 hours Monday to Saturday.

5. CONSULATION SUMMARY

A) Statutory

5.1 TFL – Objection

- 5.2 TfL objects to this proposal as the proposed parking is in excess of, and therefore contrary to, both London Plan and LB Bromley policy relating to parking standards.
- 5.3 TfL also consider the proposals to be contrary to the NPPF and the delivery of sustainable development.

Summary of comments:

- 5.4 The applicants have presented clear evidence in their Transport Assessment (based on the TRICS database) which indicates a parking requirement of between 15 and 79 spaces depending on the land use.
- 5.5 Based on the applicant's presented evidence our assessment is that even London Plan standards would be an overprovision and with this lower level of provision no overspill parking is likely to take place.
- 5.6 The daily trip generation profiles forecast the movement of vehicles into and out of the site during each hour of the day and give a good indication of onsite parking accumulation / requirements. A higher level of parking will in turn lead to higher activity and trip generation.
- 5.7 LB Bexley has proposed the use of a Vehicle Monitoring Protocol which seeks to limit site traffic to agreed levels with the landowners incurring a charge if the volume of vehicles associated with the site exceeds these. TfL is fully supportive of this proposal and would want to see these set as:

	Transport Assessment
AM Peak (2-Way)	35
PM Peak (2-Way)	27
All day total (2-Way)	374
Parking requirement	79

(as set out in the applicant's Transport Assessment)

- 5.8 With regards to the Travel Plan, it is noted that the applicant is advertising generous on site car parking in its sales brochure which combined with proposed provision well above London Plan standards would appear to undermine the objectives and targets of the Travel Plan.
- 5.9 It is not clear why the information contained in the transport assessment could not have been used to populate with relevant information for this site rather than using an example for a development in Farnborough.
- 5.10 TfL consider that the Car Parking Management Plan contains little actual detail. There are no proposed enforcement measures to ensure that the plan is actually and effectively implemented. We would strongly suggest that a condition is imposed to enable consideration of a detailed Plan related to the ultimate development and which is site specific and addresses these matters. The car parking management plan and the travel plan will be crucial in controlling impacts on the highways and supporting more sustainable development.
- 5.11 For these reasons we would request that the application is either refused on the grounds of excessive and unjustified parking provision, or that any approval is based on a reduction of car parking to Policy compliant levels.
- 5.12 In line with draft London Plan Policy T9 to mitigate the transport impacts of the development, necessary and proportionate obligations are required towards sustainable travel including:
- £20,000 to upgrade the SCOOT traffic control system at Crittals Corner secured by s106
 - A vehicle monitoring protocol to limit site traffic to be secured by s106
 - ~~Reviewing and revising the road markings for the A223 Edgington Way/ Tesco Access to create additional capacity and prevent blocking back secured by s106.~~ (Following discussion with the agent and highway officers there is no need to include this requirement and as such this has been removed).
- 5.13 **LB Bromley Highways – No Objection**
- 5.14 There is a similar application for the site with access from Edgington Way (18/05600) which is referred to as Option 1. This proposes a route for pedestrians from Sandy Lane to the Tesco's access and to Edgington Way but not for vehicles. This appears to be the case at present.
- 5.15 This proposal, Option 2, has 13 units which would all be accessed from both Edgington Way and via Fitzroy Business Park.
- 5.16 The units will have a combined area of 10383m² GIA with 143 parking spaces plus 13 disabled spaces. This equates to one space per 80m². The spaces will be allocated to particular units. The site is within a low 1b / 2 PTAL area with poor accessibility to public transport and the on-street parking is also very limited. Consequently, although this is

slightly higher than the London Plan standards, I would have no objection to the parking provision.

- 5.17 Junction modelling has been carried out to assess the impact of the development. Sandy Lane, the only arm within LB Bromley on the Ruxley roundabout, shows a minimal increase in delays in the peak hours. Crittalls Corner gyratory was also modelled and Sevenoaks Way, again the only arm within LB Bromley, showed a minimal increase in delays and queues. LB Bromley is not the highway authority for Edgington Way or the other arms of the junctions. LB Bexley is the Highway Authority and TfL are a consultee as Edgington Way is a strategic route and I would accept their views on the impact of the proposal on these roads / junctions.
- 5.18 There is a planning permission for amendments to the Tesco access road (17/01687) which is stated will be completed ahead of this proposed development but I am not sure if that can be conditioned.
- 5.19 Please include the conditions regarding parking layout, hardstanding wash down facilities, cycle parking and Construction Management Plan with any permission
- 5.19.1 Following from the deferral from DC Committee on the 28/01/2020 additional comments were received to address concerns raised by Members which have been set out in the update section of this report.
- 5.20 **LB Bexley Highways – No Objection**
- 5.21 I note TfL's comments and objection to the level of car parking promoted in both applications. However due to the low PTAL rating of the site (0-1a), cars are likely to be the primary mode of travel. Parking provision slightly above the London Plan maximum standard is therefore considered acceptable and will reduce the possibility of parking congestion within the site and overspill onto surrounding highways.
- 5.22 Having reviewed the junction modelling and noted TfL's comments I can confirm that Bexley as Highway Authority have no further objections to these proposals subject to the imposition of various planning conditions and S106 obligations referred to in TfL's letter. However the mitigation measure requiring a review and possible revision of the road markings for the A223 Edington Way/ Tesco Access to create additional capacity and prevent blocking back to be secured by s106 needs further discussion with Bexley and may be more expedient if the review and any subsequent alterations were secured by way of Grampian condition.
- 5.23 **Environment Agency – No Objection**
- 5.24 We have reviewed the document 'Foundation Works Risk Assessment' by Ramboll (reference 1700003212 V02 dated 18/07/2019). This document summarises the site's contamination status (low) and provides justification for the use of Vibro Stone Columns and Sheet Piling methodologies which we deem acceptable. In our previous response ref. SL/2019/119009/01-L01 we recommended a number of conditions, one of which was the submission of a piling risk assessment to identify any potential risk from piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

- 5.25 From the submission of the risk assessment we wish to update our previous response to reflect the additional information submitted.
- 5.26 We consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed relating to contamination, sustainable water drainage and piling.
- 5.27 **Thames Water – No Objection**
- 5.28 Thames Water would advise that they would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. No objections subject to informatives to applicant regarding.
- 5.29 With regards to surface water, no objections are raised subject to the developer following the sequential approach to the disposal of surface water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
- 5.30 Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.
- 5.31 In terms of using mains water for construction Thames Water must be notified before the start, to avoid potential fines for improper usage. Thames Water advise that more information and how to apply can be found online at thameswater.co.uk/buildingwater.
- 5.32 On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, they would not have any objection to the above planning application. Thames Water have recommended informatives be attached to this planning permission which are included below.
- 5.33 **Drainage – No Objection**
- 5.34 The submitted information including "Flood Risk Assessment" carried out by Bradbrook Consulting Option1 with REF No. 18-083R_001 Rev C dated 26/11/2018 revised 04/02/2019 to include 40% climate change to incorporate 3 Attenuation Tanks with 636m³, 144m³ and 580m³ capacity each to limit surface water run-off to 4l/s, 1.5l/s, 4.5 l/s and exceedance to be contained on site is acceptable subject to a compliance condition.
- 5.35 **Historic England (Archaeology) – No Objection**
- 5.36 Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

5.37 The site is located within a rich archaeological landscape and would therefore be likely to require staged site work to quantify the site specific archaeological potential. However, the submitted archaeological desk-based assessment report dated September 2018 by L-P Archaeology, in conjunction with the geotechnical evaluation report has shown that the whole site appears to have been quarried and thus reducing the archaeological potential to negligible.

5.38 No further assessment or conditions are therefore necessary.

5.39 Natural England – No Objection

5.40 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on Ruxley Gravel Pits Site of Special Scientific Interest and has no objection.

5.41 Natural England entered into discussions through our Discretionary Advice Service to resolve potential issues with the SSSI which borders the development site. The plans for drainage, light control, SSSI buffer, code of conduct and the Biodiversity CEMP allay any potential issues.

5.42 Natural England's advice on other natural environment issues are contained within the informatives set out below.

B) Local Group(s)

5.43 Bromley Biodiversity Partnership:

5.44 Bromley Biodiversity Partnership fully supports all mitigation measures suggested by Natural England and Kent Wildlife Trust.

5.45 Old St Pauls Cray Residents Society:

- 24 hour usage of a development has been restricted on previous application for Sandy Lane so we would expect that this restriction to be maintained by any approval.
- Do not agree that the proposal would not have any impact on the local residents in terms of vehicle movements is an unjustified remark and requires more evidence. Sandy Lane is congested down to virtually a single line during working days as restricted parking has been applied to the east side of the lane for two thirds of its length the development will further increase congestion.
- Edgington Way is also highly congested the combination will result in a bottleneck along Bromley and Bexley roads.
- Full justification should be given to the impact on the SSSI buffer zone and associated landscaping scheme.

- Surface Water Drainage strategy and the impact on the lake which is part of the SSSI and as such a full environmental evaluation should be presented to justify such distribution from the development.

C) Interested Parties

5.46 Nearby owners/occupiers were notified of the application and representations were received, which can be summarised as follows:

Objections:

- Concern that construction traffic will cause problems by obstructing access to the units in Fitzroy Business Park;
- Impact on business in the Fitzroy Business Park;
- Concern that Sandy Lane will be made worse by additional users;
- Construction traffic will be a health and safety issue to pedestrians;
- Do not think the wheel washing facility will be used properly and road will become covered in mud;
- Sandy Lane gets very congested, concern people will use this as a cut through;
- Tesco customers will use the access to avoid having to turn left as they have to do at the moment;
- Selco lorries might use this as an area to turn round and wait while they wait for a delivery slot;
- If access is granted for the Sandy Lane entrance the additional traffic would undoubtedly cause a maintenance issue regarding the road;
- Fitzroy Business Park is a private estate and that permission should be denied for the access;
- The security gate to Fitzroy Business Park will be used more and need repairing more frequently;
- Concern over increase in parking at Fitzroy Business Park;
- The single access application is much better and lead to less pressure on traffic/parking for the existing residents and users of Fitzroy Business Park;
- Security of Fitzroy Business Park will be effected though dual access and 24hrs;
- The public right of way with a high wall will create an ideal mugging spot;
- Building here will put pressure on building on the field opposite;
- Air quality in the area is already poor and this development will make it worse;
- Proposal will result in an increase in litter;
- Site is close to SSSI wouldn't it be more sustainable to just leave the area alone;
- Concern that users of the development would not adhere to the 10mph speed limit;
- When Fitzroy Business Park was developed they did not adhere to the conditions and subsequently the Council approved changes;
- Selco lorries park illegally on double yellow lines along Sandy Lane and nothing is done about it;
- Design appears to cover the majority of the land with little space and appears to be an overbearing impact on the environment;
- Site is close to SSSI and appears to harm the conservation of the area and impact on wildlife routes;
- The design does not appear to help enough with the noxious pollution and constant noise given off by the A20. A carbon sink (forest) is more effective;

- Think the Technical Note underestimates the trip generation and as such not convinced the external impacts of the scheme have been robustly assessed;
- No mitigation has been put forward by the applicant for the loss of two Fitzroy Business Park car spaces and would expect the application to make provision for this loss;
- The development at the former ski school will add to the traffic along Sandy Lane and in turn exacerbate the existing traffic/parking problems;
- Concerned traffic data collection was not done on a normal week day as parking in area is very bad;
- Believe that the Klinger Development will also have an impact on parking and congestion

These objections have been considered and addressed in the assessment section 7 below.

6. POLICIES AND GUIDANCE

6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- the provisions of the development plan, so far as material to the application,
- any local finance considerations, so far as material to the application, and
- any other material considerations.

6.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

6.3 The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

6.4 The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

Draft New London Plan

6.5 The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.

6.7 The draft new London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This is the version of the London Plan which the Mayor intends to publish, having considered the report and recommendations of the panel of Inspectors. Where recommendations have not been accepted, the Mayor has set out a statement of reasons to explain why this is.

6.7 Ahead of publication of the final plan, the SoS can direct the Mayor to make changes to the plan, and the London Assembly can veto the plan. These factors affect the weight

given to the draft plan. At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations.

6.8 The application falls to be determined in accordance with the following policies:

London Plan Policies:

- 2.6 Outer London: vision and strategy
- 2.7 Outer London: Economy
- 2.8 Outer London: Transport
- 2.17 Strategic Industrial Locations
- 4.1 Developing London's Economy
- 4.4 Managing Industrial Land and Premises
- 4.8 Supporting a successful and diverse retail sector and related facilities and services
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.0 Overheating and cooling
- 5.10 Urban Greening
- 5.11 Green roofs and development site environs
- 5.12 Flood Risk Management
- 5.13 Sustainable drainage
- 5.21 Contaminated Land
- 6.3 Assessing effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local character
- 7.5 Public Realm
- 7.8 Heritage assets and archaeology
- 7.9 Heritage-Led Regeneration
- 7.20 Geological Conservation
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

Mayor Supplementary Guidance:

Mayor's SPG: "Accessible London: Achieving an Inclusive Environment" (2014)

Mayor's SPG: "London's Foundations: Protecting The Geodiversity of the Capital" (2012)

Bromley Local Plan 2019:

- 13 Renewal Areas
- 17 Cray Valley Renewal Area
- 30 Parking

31 Relieving congestion
33 Access to services for all
34 Highway infrastructure provision
37 General design of development
38 Statutory Listed Buildings
68 Development and SSSI
69 Development and Nature Conservation Sites
70 Wildlife Features
72 Protected Species
73 Development and trees
46 Archaeology
80 Strategic Economic Growth
81 Strategic Industrial Locations (SIL)
84 Business Improvement Areas
115 Reducing flood Risk
116 Sustainable Urban Drainage Systems
118 Contaminated Land
122 Light Pollution
120 Air Quality
119 Noise Pollution
123 Sustainable design and construction
124 Carbon reduction, decentralised energy networks and renewable energy
125 Delivery and implementation of the Local Plan

7. Assessment

7.1 The main issues to be considered in respect of this application are:

- Principle of development
- Design – Layout, scale
- Transport
- Amenity Impact Environmental Health/ contamination/ noise /air quality
- Landscaping
- Ecology and Protected Species
- Drainage and flooding
- Sustainability and Energy
- Secure by Design
- Other Issues
 - Environmental Impact Assessment
 - Geological Value
- CIL
- Head of Terms

Principle of development:

Acceptable

- 7.2 The NPPF states that significant weight should be placed on the need to support economic growth through the planning system and identify strategic sites for local and inward investment.
- 7.3 The London Plan identifies Foots Cray (Ruxley Corner) as a SIL (Industrial Business Park). The application site is located within this identified area. Planning decisions paragraph B of policy 2.17 states that ‘development proposals should be refused unless they fall within the broad industrial type activities outlined in paragraph 2.79.’
- 7.4 Paragraph 2.79 states that: London’s strategic industrial locations (SILs) are London’s main reservoir of industrial land comprising approximately 50 per cent of London’s total supply. They have been identified following an assessment of future need
- 7.5 In addition, the Majors SPG: Land for Industry and Transport 2012, puts Bromley in the category of ‘restricted transfer’ commenting that this applies to Boroughs with typically low levels of industrial land relative to demand.... Boroughs in this category are encouraged to adopt a more restrictive approach to the transfer of industrial land to other uses. This approach is reflected in Policy 4.4 of the London Plan.
- 7.6 The site is identified in Policy 80 as the Cray Business Corridor – a strategic priority area for economic growth. The policy states that the focus within this area will be on bringing forward adequate development capacity, the co-ordination of public and private investment and the delivery of enabling infrastructure.
- 7.7 The Site is designated as a Strategic Industrial Location (SIL) in Policy 81, which states that within these areas, uses falling within Class B1(b) and B1(c), B2 and B8 will be permitted and safeguarded. The supporting text to the policy states that the Council will restrict further expansion of retail floorspace within the SIL to instances where the use is demonstrated to be ancillary to a primary B use.
- 7.8 The proposal is for 13 business units arranged in 5 blocks with a total gross external area (GEA) of 11,190m². The units would vary in size from 379 sqm to 1,803 sqm. The subject site is the only entirely undeveloped site in the Cray Business Corridor SIL and represents an ideal opportunity to improve the borough’s industrial offer and help to meet demand forecast over the Local Plan period. To this extent, the proposal is consistent with current and proposed business and employment policies.
- 7.9 In respect of the proposed mix of uses, the units are to be B1(c)/B2 and B8 units which all comply with planning policies. The applicant has expressed the intention to install ancillary trade counters throughout the scheme. However, in accordance with the policies outlined above, to protect the industrial character of the site, this can be restricted through condition. This can require details of the extent and scale of any trade counters to be submitted for approval prior to their installation. The provision of trade counters could change the nature of the use from storage and distribution to retail based business. The BLP Policy in relation to SIL’s clearly states that “Proposals involving a portion of floorspace to be used for display and sales should demonstrate that the use is clearly

ancillary to a primary Class B use.” This form of development would be discouraged on site.

- 7.10 The principle of development is policy compliant and appropriate in this designated employment area. In addition, the proposal would bring a long standing, under used site, back into an industrial/commercial use in accordance with NPPF, London Plan and local policy aspirations.

Design – Layout, scale height and massing:

Acceptable

- 7.11 The site is located adjacent to Green Belt, a SINC and SSSI and as such Policies 53, 68 and 69 of the BLP are considered relevant to any assessment
- 7.12 The plans provided show the buildings would be approximately 11.6m in height, which is similar to the Tesco Superstore at 10m, and the Fitzroy Business Park which is between 8-10m in height. The A20 to the rear of the site is on a raised embankment so the site is considerably lower.
- 7.13 The units will be of steel portal frame construction with the height to the underside of haunch of 8.4m and the external eaves height of approximately 10m. The units will have metal clad roofs at 6 degrees with rooflights to add daylight into the warehouse areas. PV panels will be located on the roofs, raised about 200mm and in line with the roof profile. They will not be visible from the pedestrian perspective.
- 7.14 Buildings will be clad in a combination of profiled built-up and Microrib composite cladding panels in predominantly light colours. The units have extensive high level glazing and feature cladding panels accentuate entrances and provide visual contrast to the warehouse elements. The rear elevation of units 1 and 2 will be clad in a green cladding which together with a 5m wide landscape buffer will help mitigate the visual impact of the building onto the adjoining Ruxley Gravel Pits Site of Special Scientific Interest. The image below has been submitted by the applicant to seek to demonstrate the visibility of the buildings from the SSSI.
- 7.15 The proposal is considered to respond to the site’s natural features and topography. This in addition to the introduction of further landscaped areas and new tree planting along the southern and western elevations would ensure that the visual impact of the proposed buildings on the neighbouring sites is softened and reduced.



- 7.16 Whilst concerns have been raised from local residents regarding the SSSI, an extended Phase 1 Habitat Survey (June 2018); a desk-based study was undertaken and has been submitted with the application. This has looked and examined both flora and fauna on this site. This concluded that the potential presence of protected species was acknowledged; measures to safeguard these have been put forward and a series of provisions have been recommended to enhance the nature conservation interest of the site which have been acknowledged and reviewed by Natural England. As such there would be no detrimental impact on the adjacent SSSI.
- 7.17 In terms of the adjacent Green Belt, this site is very different in character and is separated from open land to the south by the A20 which although is Green Belt itself acts as a buffer to distinguish the two areas.
- 7.18 The proposed development incorporates Secured by Design principles as required by Policy to take account of crime prevention and community safety. Concerns have been raised over the 24-hour access and how this will impact on the security of the Fitzroy Business Park and also the pedestrian access itself linking the Edginton Way with Fitzroy Business Park. The proposal has been reviewed by the Designing Out Crime Officer who has not raised any objections subject to the conditions relating to Secure by Design being included in any permission.
- 7.19 In summary, the proposal would result in a high quality development that responds to the character of the area, and provides a functional, non-invasive wider provision to accommodate a policy-compliant use of the site.
- 7.20 In accordance with NPPF policy, the proposed site would function well, add to the overall quality of the area, and establish a strong sense of place through the use of sensitive landscaping and boundary treatments. The proposal would optimise the potential of the site to accommodate development, and create an appropriate provision of use. The development would respond to the site and would reflect the identity of local surroundings and materials.

Transport:

Acceptable

- 7.21 It is acknowledged that TfL have raised an objection regarding the number of parking spaces. TfL are concerned that by providing a higher level of parking will in turn lead to higher activity and trip generation.
- 7.22 In response to the above the London Borough of Bexley who is the highway authority for the surrounding roads note TfL's comments and objection to the level of car parking , however due to the low PTAL rating of the site (0-1a), cars are likely to be the primary mode of travel. They acknowledge that the parking provision would be slightly above the London Plan maximum standard but nevertheless considered it to be acceptable and will reduce the possibility of parking congestion within the site and overspill onto surrounding highways.
- 7.23 Bromley highway officers have also considered this and that given the very low PTAL the London Plan standard would be 1 space per 100m².
- 7.24 The proposal is for 10,419 m² GIA with 143 spaces (not including disabled spaces) giving one space per 72m² giving rise to the 38% "overprovision".
- 7.25 The adjacent Fitzroy Business Park, which gained permission in 2006, has 5478m² GFA with 58 spaces which gives a ratio of 1 space per 94m². This is higher than the London Plan provision would be but clearly does not have enough parking with vehicles parked all over the site and going out into Sandy Lane which required the introduction of waiting restrictions.
- 7.26 Therefore on balance given the location of the site and PTAL the provision should be higher at this site and as such no objection in this regard is raised.
- 7.27 With regards to sustainability, to address concerns raised by TfL obligations are sought for Bexley Council as the Highway Authority in the S106 relating to:
- £20,000 to upgrade the SCOOT traffic control system at Crittals Corner secured by s106
 - A vehicle monitoring protocol to limit site traffic to be secured by s106
 - ~~Reviewing and revising the road markings for the A223 Edington Way/ Tesco Access to create additional capacity and prevent blocking back secured by s106.~~ (Following discussion with the agent and highway officers there is no need to include this requirement and as such this has been removed).
- 7.28 Highway officers acknowledge that Fitzroy Business Park does not have enough parking and this has had an impact on Sandy Lane as a consequence. As such Bromley and Bexley Highway officers have supported the level of parking proposed as to ensure they is no increase in the parking demand on the local roads, especially Sandy Lane.
- 7.28.1 Information has been received from applicant's Consultants with particular reference to the estimated volume of traffic using Sandy Lane which states it would be minimal (TRICS outputs are the highest in the AM peak between 08:00 – 09:00 am where the

highest number of two way trips is 30) as shown in the traffic modelling data which has been provided.

7.28.2 The TRICS outputs on which the trip rates are based are broken down by hour, i.e. 0800-0900, 0900-1000, 1000-1100 etc. The modelling undertaken uses 0800-0900, which is the highest hour in the AM period and the table below sets out the number of trips generated via Sandy Lane for the different land use splits.

5584sqm GFA accessed via Sandy Lane	0800-0900		
	Arr	Dep	Two Way
B1/B2 Trip Rate per 100sqm	0.336	0.05	0.386
B8 Trip Rate per 100sqm	0.087	0.078	0.165
33% B1 / 33% B2 / 33% B8	14	3	17
100% B1	19	3	22
100% B1 + 38% uplift requested by TFL	26	4	30

7.28.3 The equivalent number of trips generated for 0900-1000 would be 22, and for 1000-1100 would be 18.

7.28.4 The calculations provided have already presented to follow industry best practice and are extremely robust and have been examined by Bromley, Bexley and TfL Highway officers. Vehicle trip rates were derived from the industry standard TRICS database, which allows predictions to be made of likely trip generation based on surveys of existing sites within the same land use. The calculations are based on sqm GFA, rather than the number of parking spaces, where the latter can vary according to parking standards between different authorities.

7.28.5 Members also raised concerns over the impact the development in respect to the existing situation at Selco. It is understood that in the course of collecting baseline traffic information, video surveys were undertaken, one of which captured the interaction between vehicles seeking to pass lorries illegally parked on Sandy Lane. This shows that two way traffic still flows past a parked lorry, even taking into account queues onto Ruxley Corner roundabout. These surveys were used to calibrate the baseline junction model.

7.29 Given all of the above it is considered that the development is acceptable and the proposal would not impact detrimentally on the highway network.

Amenity Impact:

Acceptable

7.30 The application site is set within an established Business Area/SIL. The nearest noise sensitive properties are on Sandy Lane, with one property approximately 80m south east of the site (south of the A20) and another approximately 150m to the east, across roads and behind other industrial sites.

7.31 A Noise Impact Assessment has been submitted by the Applicant. This shows that the predicted noise levels for the development (showing a maximum of 9 HGV movements)

using “worst case” scenarios. Concerns have been raised from local residents over the impact given the dual access (especially from Sandy Lane), however the report concludes that the residual operational noise impacts are of negligible magnitude and not significant (when compared against the existing baseline conditions).

- 7.32 Concerns have been raised over the 24hr operation proposed to the new development. Fitzroy Business Park has restricted operating hours, however given the distance the units are from the nearest residential buildings Environmental Health officers do not consider the use of the Fitzroy Business Park entrance to have any significant impact in terms of noise and disturbance over the existing background noise given the proximity to the A20 and Tesco’s.
- 7.33 The potential impacts as a result of the construction phase have also been assessed in relation to the impacts upon existing receptors. It is considered that with appropriate mitigation, the proposed development is acceptable with regard to both operational and construction noise impacts.
- 7.34 The potential for adverse noise impacts from construction vehicles and plant during the works can be minimised through a range of measures which can form part of a site specific Construction Management Plan within which all contractor activities would be undertaken and this can be secured by way of condition.
- 7.35 The proposed use itself is unlikely to generate significant levels of noise and, given the generous separation distances of the site from residential dwellings the proposal is unlikely to have a significant detrimental effect on neighbouring amenities.

Environmental Health/ contamination/ noise /air quality/external lighting:

Acceptable

Contamination:

- 7.36 A Phase II Environmental Site Assessment Report has been submitted with the application (April 2019). The report concludes that the site investigation has not identified significant contamination at the subject site with the exception of asbestos containing material (ACM) in Made Ground soils.
- 7.37 At the time of the investigation, asbestos containing material (ACM) was identified at surface level and this was considered to pose a potential risk to current site users (i.e. pedestrian footpath). Mitigation measures were recommended and have been implemented in this regard. A hand-picking exercise of ACM has been undertaken by a qualified contractor and a barrier fence has been erected to restrict site users entering areas of the site where ACM was previously identified. During the investigation, Ramboll implemented mitigation measures and also implemented air monitoring which did not detect any fibre release during the excavation activities.
- 7.38 In terms of visual evidence, with exception to the west of site, ACM was observed to be located in the Made Ground across site. Generally, ACM was visually observed in two notable layers across the site; a shallow layer consisting of fragments of ACM in soils of which a greater frequency of fragments was identified within the central and southern

areas of site and a deeper layer consisting of 'bands' of ACM rather than fragments within soils. This layer was observed to be located within the central to southern central area of site. Laboratory analysis identified ACM in quantifiable concentrations in 22 locations. In all but two samples the ACM was identified as Chrysotile; one sample recorded the presence of Crocidolite (<0.001%) and Amosite was recorded with Chrysotile in the second sample (0.039%). The presence of asbestos is not considered to represent a significant risk to future users in the scenario where the material remains capped below hard surfacing or buildings where there is no pathway for exposure to human health.

- 7.39 However, in terms of developmental considerations there are risks associated with disturbing the Made Ground (and re-use, if proposed) which will require mitigation measures and the implementation of appropriate materials management protocols.
- 7.40 Ramboll's investigation also included the appropriate range of land contamination testing and assessment.
- 7.41 As such the documents have been reviewed by Environmental Health Officers and the Environment Agency and a condition should be attached to any planning permission securing these mitigation methods and adherence with the contaminated land assessment dated April 2019, which could address all these aspects appropriately in accordance with Policy 118 of the BLP.

Noise:

- 7.42 Noise modelling has been undertaken to predict the likely impact on nearby receptors with regards to construction and operation as set out above in the amenity section of this report.
- 7.43 In relation to plant noise, the acoustic report proposes to limit noise and as such a condition is proposed which would require this to be complied with.

Air Quality:

- 7.44 An Air Quality Screening Statement has been prepared. This assessment considers the air quality impacts associated with both the construction and operation of the development. Likely changes to air quality in the area, as a result of the proposed development have been considered in relation to the national Air Quality Objectives. Where required, the air quality assessment considers mitigation measures to reduce the effect of the proposed development upon local air quality.
- 7.45 The development site is not located within an AQMA; however, it is located close to London Borough of Bexley's AQMA. The AQMA is declared for exceedances of the national annual mean nitrogen dioxide (NO₂) objective.
- 7.46 Review of air quality monitoring data from the nearest automatic monitoring stations indicate that roadside NO₂ concentrations exceed the national objective. However, background concentrations are within the objectives.

- 7.47 The impacts of construction activities on local air quality have been assessed in accordance with the IAQM best practice guidance. This assessment indicated that the risk of the different activities towards dust soiling is 'medium' and that for human health impact is 'medium'. Following implementation of the appropriate mitigation measures as outlined in the report, the residual impacts during construction would be insignificant. These mitigation measures make up part of a Construction Management Plan (CMP) that will be required to be implemented to minimise the potential of adverse construction dust impacts throughout all the relevant construction stages.
- 7.48 Traffic movements, generated by the proposed development during its operation, will give rise to NO_x and PM₁₀ emissions. The impact of these emissions on local air quality were assessed using an air dispersion model and the impacts significance was assessed in accordance with the relevant IAQM Guidance. Traffic-related pollutant concentrations (NO₂ and PM₁₀) were predicted at sensitive residential properties located near roads likely to be affected by vehicle travelling to and from the Site. Results indicate that the impact of vehicle emissions on local air quality is negligible.
- 7.49 The total nitrogen oxides (NO_x) and PM₁₀ emission from, vehicles movements generated by the development, have been considered in the Air Quality Neutral assessment. This assessment showed that emission are within the benchmarks set out in the GLA's Sustainable Design and Construction Guidance and no mitigation is required.
- 7.50 The development therefore meets the London Plan requirements that new developments are air neutral, and air quality impact in the local area as a result of this development is not expected to be significant. Conditions have been recommended to ensure and address any matters which could subsequently affect air quality and which could be attached to any approval.

External Lighting:

- 7.51 An External Lighting Assessment has been submitted with the application which reviews the proposed external lighting scheme at the site. This incorporates measures to prevent night time lighting pollution by restricting all luminaries to be fitted with suitable optics to limit excessive emission on the horizontal plan, horizontal cut off optics to minimise upward light spill and to incorporate a lighting design will comply with the relevant limits on lighting intensity. The scheme addresses the use of the site by bats and minimises light pollution to other parts of the site and the wider area addressing the requirements of para.125 of the NPPF.

Landscaping:

Acceptable

- 7.52 The existing site is overgrown with self-seeded low level shrubs and plants with some trees and more mature planting along the perimeter of the site.
- 7.53 The Arboricultural Implication Report concludes that no veteran or ancient trees, and no category 'A' trees are to be removed. A portion of the main Arboricultural features of the site comprising six individual poplars are to be removed on Arboricultural grounds, but this will represent only a partial alteration to the main Arboricultural features of the site

and are not considered to have a permanent or significant adverse impact on the arboricultural character and appearance of the local landscape.

- 7.54 The incursions into the Root Protection Areas of trees to be retained are minor and within the tolerable limits of the species affected. Subject to implementation of the measures recommended on the Tree Protection Plan and set out at Appendix 1 of the Arboricultural Implication Report, no significant or long-term damage to their root systems or rooting environments will occur.
- 7.55 The landscaping scheme submitted with the application indicates that most of the perimeter planting, including the trees on the southern and eastern embankment will be retained and enhanced. A high quality landscaping scheme is also proposed at the frontage of the site. It is considered that this would enhance the setting of the area.
- 7.56 Subject to implementation of the recommendations of the survey, the proposed development would not have a significant impact upon the existing arboricultural amenity of the area and therefore complies with Policy 73.

Ecology and Protected Species:

Acceptable

- 7.57 The application site lies immediately adjacent to the west of Ruxley Gravel Pits SSSI. An Extended Phase 1 Habitat Survey (June 2018); a desk-based study was undertaken and has been submitted with the application which considers all biodiversity and conservation aspects, including potential impacts on protected and other species, notably reptiles and bats.
- 7.58 The majority of the habitats present within the site are largely semi-natural but of limited intrinsic interest in terms of floristic composition, and their loss together with the buildings and hardstanding would be of little ecological significance. The semi-improved grassland is of some ecological interest within the context of the site and is proposed for removal but is of limited extent and is considered to be of limited significance in the wider local area.
- 7.59 The site contains some foraging interest for bats in the form of scrub and tall herbaceous vegetation. No evidence of Badgers was identified during the survey work and it is considered unlikely that this species would be reliant on the site for foraging or sett-building. The site may occasionally be used for dispersal as Badgers are present in the local area and an informative is suggested to ensure that checks be undertaken by an ecologist prior to the commencement of any works within the site to ensure Badgers have not excavated any setts.
- 7.60 In terms of birds a total of 27 bird species were recorded during three breeding bird surveys and an extended Phase 1 survey carried out in 2018; 15 of these were recorded as breeding or probably breeding. Birds recorded include a single Kingfisher at the western end of the site on the first visit. The site does not contain suitable Kingfisher nesting habitat. Wintering bird surveys of the adjacent Ruxley Gravel Pits SSSI conducted in 2008 recorded a total of 49 species respectively. Notable species observed

include Peregrine, but it is not considered that this species is likely to rely on the proposed development site.

- 7.61 The site contains very limited areas of reptile active season habitat in the form of small patches of rough semi-improved grassland. The majority of the site does not provide sufficiently diverse habitat structure to support common reptile species. Scattered scrub provides shelter and hibernation opportunities. A common reptile presence / absence survey conducted in 2008 recorded a single adult Grass Snake in the east of the site. It is noted that the habitat opportunities have been reduced by vegetation succession in the intervening years. Surveys of the adjacent Klinger site conducted in 2016 did not find any presence of common reptile species despite this area containing comparable (and in places more suitable) reptile habitat than the proposed development site. It is therefore considered that the common reptile population is likely to have been lost from the site.
- 7.62 No amphibians were observed within the site during the survey work undertaken. The semi-natural habitats present within the site provide dispersal opportunities and are considered to have some limited potential to support foraging amphibians. The scrub within the site offers habitat for shelter and hibernation but the site is unsuitable for breeding amphibians. The semi-natural habitats identified will be lost under the development proposals.
- 7.63 The protective measures required to avoid detrimental impacts are included in the prepared Construction Environmental Management Plan (CEMP) covering the identification of biodiversity protection zones, the siting and timing of activities and construction lighting to minimise disturbance to wildlife, the erection of appropriate protective fences and warning signage and the safe storage of materials and chemicals at appropriate locations.
- 7.64 Given all of the above it is considered that there are no overriding ecological constraints to the development of the site and there is good scope for the proposals to avoid any significant impacts on designated sites. Natural England have broadly agreed to the proposed mitigation and safeguard measures in respect of Ruxley Gravel Pits SSSI as detailed within this report, and also the accompanying CEMP. The potential presence of protected species is acknowledged; measures to safeguard these have been put forward and a series of provisions have been recommended to enhance the nature conservation interest of the site.
- 7.65 The proposed development is considered acceptable with regard to ecological and nature conservation impacts subject to conditions.

Drainage and flooding:

Acceptable

- 7.66 The proposed development site lies in an area designated by the Environment Agency as Flood Zone 1 and is outlined to have a chance of flooding of less than 1 in 1000 (<0.1%) in any year.
- 7.67 NPPF sets out a Sequential Test, which states that preference should be given to development located within Flood Zone 1. A flood risk assessment has been submitted

which demonstrates that the requirements of the Sequential Test have been met, with the site's location within Flood Zone 1 and 'Less Vulnerable Infrastructure' classification of the development.

- 7.68 A sustainable drainage strategy, involving the implementation of SuDS, is proposed for managing the disposal of surface water runoff from the proposed development. The proposed drainage strategy would ensure that surface water arising from the developed site would be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development, while reducing the flood risk to the site itself and elsewhere, taking climate change into account.
- 7.69 The proposed surface water drainage measures would ensure the proposed development satisfies the peak flow control standards and volume control technical standards in the Government's 'Non-statutory technical standards for sustainable drainage systems'.

This flood risk assessment has concluded that:

- the location of the distribution facility is located within Flood Zone 1, and as such is at a very low risk of flooding from fluvial sources.
 - the site is far enough inland not to be at risk of any tidal flooding event.
 - flood risk from surface water is considered very low for the site following development.
 - flood risk from other sources – groundwater, sewers, reservoirs and artificial sources – is demonstrated to be low.
 - the development will have no impact on other forms of flooding.
 - overall, taking into account the above points, the development of the site should not be precluded on flood risk grounds.
- 7.70 The Drainage Officer and Environment Agency have assessed the submission and advised that subject to appropriate conditions, the submission is considered to be acceptable in this respect.

Sustainability and Energy:

Acceptable

- 7.71 The application is supported by an Energy and Sustainability Statement which confirms that as a result of the sustainability features incorporated within the proposed development this allows for a 36.95% carbon saving against Part L 2013 requirements for the scheme which exceeds the 35% improvement requirement under the London Plan and demonstrates that the scheme is a sustainable development. This is shown to be achieved through passive design, energy efficient measures incorporating design features in accordance with London Plan and BLP planning policies.
- 7.72 The development shall include a variety of features which are regarded as having a good sustainable design. To provide as much natural light as possible within the office and warehouse areas glazing has been provided to the office and circulation areas and with 15% rooflight coverage over the warehouse areas. Building modelling of each unit has confirmed that no occupied space is at risk from excessive solar gains.

- 7.73 To further ensure that overheating will not occur during summer months and the building is suitably insulated, as well as allowing for adaptation due to the effects of climate change, it is anticipated that the development will use building fabrics with 'U' values with an improvement beyond the threshold requirements of Part L (2013)
- 7.74 To ensure the sustainability of the development the Energy and Sustainability Statement puts forward that water efficient fixtures will be incorporated into the design, such as low flow taps and dual flush toilets with reduced effective flush volumes.
- 7.75 To be further sustainable, it is expected that pulsed water meters will be installed on the mains water supply, to effectively monitor water consumption. The inclusion of the above sustainability features allows for the development to be deemed sustainable with regard to water consumption.
- 7.76 Site Waste Management Plan has been produced, highlighting key materials and the correct waste streams for the recycling of any waste materials.
- 7.77 The proposed development is considered to comply with London Plan Policies 5.7 to 5.11, the Mayor's SPG and also Policy 37 (f) of the BLP.

Secure by Design:

Acceptable

- 7.78 The proposal needs to incorporate Secured by Design principles as required by Policy 37 to take account of crime prevention and community safety. Paragraphs 58 and 69 of the NPPF are relevant. Compliance with the guidance in Secured by Design and the adoption of these standards will help reduce the opportunity for crime, creating a safer, more secure and sustainable environment.
- 7.79 The Designing Out Crime Officer has recommended the principles and standards of 'Secured By Design' Commercial 2015v2' as a planning condition for the development noting the size and historical criminality at the site.

Other Issues:

Environmental Impact Assessment:

- 7.80 As the site has an area of over 1ha it was necessary to "screen" an application as to whether it requires to be accompanied by an Environmental Assessment under the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015. The screening process identified that an EIA was not required, and a formal opinion was issued on 01.10.2019.

Geological Value:

- 7.81 The area to the north of the site is identified as GLA41 Klinger Pit, Foots Cray, Potential Regionally Important Geological and Geomorphological Sites (RIGS) in the London Plan SPG 'Londons Foundations: Protecting the Geodiversity of the Capital'. The area is identified as an abandoned pit formerly owned by Klinger that was worked for Thanet

Sand Formation. The lithology is predominantly fine yellow sand and is considered to be the best exposure of Thanet Sand in the London area.

- 7.82 However, the designation of the Thanet Sand formation lies outside of the developed area of the site.

CIL:

- 7.83 The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

Head of Terms:

- 7.84 In order to mitigate the transport impacts of the development, necessary and proportionate obligations are required towards sustainable travel which includes the following:

- £20,000 to upgrade the SCOOT traffic control system at Crittals Corner secured by s106
- A vehicle monitoring protocol to limit site traffic to be secured by s106

8. CONCLUSION

- 8.1 The proposed use of the site complies with planning policy and is acceptable in principle.
- 8.2 The application has been assessed against the adopted development plan and all other material considerations.
- 8.3 As set out in the preceding sections of the report, having regard to the relevant policies given the sites location within the Cray Business Corridor (Foots Cray), which is recognised as a Strategic Industrial Location (SIL) and taking into account the highways impacts of the proposal and the impact on occupiers of nearby occupiers, the development is considered acceptable.
- 8.4 Furthermore, provided the recommendations within the various technical reports are complied with, the proposal would not have a significant impact on the environment, including the bio-diversity value of the site of the adjacent SINC. The application is recommended for permission, subject to conditions.
- 8.5 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION – PERMISSION SUBJECT TO LEGAL AGREEMENT

SUMMARY OF CONDITIONS AND INFORMATIVES

Standard Condition(s)

- 1. Time limit of 3 years**

2. Drawing number

Compliance Condition(s)

- 3. No trade counter**
- 4. Parking to be provided as approved**
- 5. During construction hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles**
- 6. Finished surfaces of the access road and parking areas, and the external lighting installation to be carried out as approved**
- 7. Development shall be completed in accordance with approved levels**
- 8. Car parking area only to be used by customers and employees of the premises and for servicing of the development**
- 9. Bicycle parking shall to be provided in accordance with the approved details**
- 10. Construction and Environmental Management Plan shall be implemented in accordance with the agreed timescale and details**
- 11. Surface water drainage scheme shall be implemented in full accordance with the approved details**
- 12. Landscaping scheme as shown on the approved landscaping shall be implemented in full accordance with the approved details**
- 13. Plant noise limitation**
- 14. External materials of buildings shall be carried out as approved**
- 15. The development shall be completed in accordance with the remediation strategy**
- 16. Piling or any other activity using penetrative methods shall be carried out in accordance with the approved report 'Foundation Works Risk Assessment' by Ramboll, Issue 2 dated July 2019**
- 17. Removal of permitted development rights**
- 18. No additional floor space to the provided**
- 19. Development shall be carried out in accordance with the contamination remediation strategy**

Prior to Occupation Condition(s)

- 20. The boundary enclosures shall be completed**
- 21. Sustainability measures as detailed in the approved Energy and Sustainability Statement (V 2 12/12/2018) shall be incorporated into the development**
- 22. Electrical charging points**
- 23. Delivery and Servicing Plan**
- 24. Secure by Design**

Any other conditions considered necessary by the Assistant Director (Planning)

Informatives

- 1. Mayoral CIL**
- 2. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer**
- 3. Thames Water will aim to provide customers with a minimum pressure**

- 4. This application may present opportunities to enhance locally valued landscapes within the new landscaping**

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Agenda Item 9

Committee Date	18.03.20		
Address	B G Transco Site Sevenoaks Way Orpington Kent		
Application Number	05/01919/HAZREV	Officer – Robin Evans	
Ward	Cray Valley West		
Proposal	Discontinued storage of natural gas (Hazardous Substances Consent Revocation application).		
Applicant	Agent		
Southern Gas Network			
Richard Swain Property Development Manager SGN St Lawrence House Station Approach Horley Surrey RH6 9HJ			
Reason for referral to committee	OUTDEL	Councillor call in: n/a	

RECOMMENDATION	Revoke Consent – subject to confirmation that the site operator will not claim compensation and subject to referral to the Secretary of State.
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<p>KEY DESIGNATIONS</p> <p>Areas of Archaeological Significance Biggin Hill Safeguarding Area Biggin Hill Safeguarding Area London City Airport Safeguarding London City Airport Safeguarding Open Space Deficiency Smoke Control SCA 20 Renewal Area Strategic Industrial Location HP Gas Pipe Zone</p>
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Gas Holder Station

Land use Details

	Use Class or Use description	Floor space (GIA SQM)
Existing	Gasworks B2	n/a
Proposed	Gasworks B2	n/a

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The consent is no longer necessary/it is redundant,
- The revocation of the consent would remove a significant potential constraint to future development in the Strategic Industrial Location.

2. LOCATION

- 2.1 The application site is the BG Transco Gasometer Site (operated by SGN), located on the western side of Sevenoaks Way at the junction with Leeson’s Way, within the Cray Valley Strategic Industrial Location (SIL). The application site is occupied by three gasometers and ancillary structures and equipment, although it is understood that some of the gasometers are in the process of being decommissioned, purged of their contents, dismantled and removed.
- 2.2 The Health and Safety Executive (HSE) defines sites possessing a Hazardous Substances Consent as a “notifiable hazard” and it sets a consultation zone, with inner, middle and outer zone, around the site requiring the local planning authority to consult the HSE on planning applications in certain circumstances. The presence of the hazard site and subsequent consultation with the HSE may present a constraint to future uses and/or developments taking place within the consultation zone(s) unless and until the hazard is removed i.e. through decommissioning the site and revoking the HSC.

3. PROPOSAL

- 3.1 The Applicant seeks the revocation of the current Hazardous Substances Consent (HSC) by the Hazardous Substances Authority (HSA), which is the local planning authority. According to the application details “gasholders are no longer required for gas storage purposes as advances in technology allow gas pressure to be controlled and distributed within underground pipework. Southern Gas Networks (SGN) has an obligation to dismantle all of its gasholders by 2029”. The application details state that the gas holders

have been permanently decommissioned and purged of their contents. As such the gas holders are no longer necessary for the storage of gas, they are redundant, and this is the reason for decommissioning the gas holders and the operator's request to revoke the consent.

4. RELEVANT PLANNING HISTORY

- 4.1 00/01072/HAZSUB – Continued storage and distribution of natural gas was granted a Hazardous Substances Consent on 3 July 2000.
- 4.2 05/01919/HAZSUB – Continued storage of natural gas was granted a Hazardous Substances Consent on 28.07.2005.

5. CONSULTATION SUMMARY

- 5.1 N/A

6. POLICIES AND GUIDANCE

- 6.1 The Planning (Hazardous Substances) Act 1990
- 6.2 The Planning (Hazardous Substances) Regulations 1992
- 6.3 The Planning (Control of Major Accident Hazards) Regulations 1999

7. ASSESSMENT

- 7.1 The main issues to be considered in respect of this application are:
 - The principle for revoking the Hazardous Substances Consent in accordance with the relevant Act(s) and Regulation(s),
 - The possibility of awarding compensation against the revocation of the Hazardous Substances Consent.

Background and procedural matters

- 7.2 As mentioned, changes/upgrades in technology now allow gas to be distributed in pipes and it is no longer required to be stored on sites within gasometers. The gas site operator/owner considers the gasometers are redundant; it is tasked with decommissioning them and must make a written request to the local planning authority, as the Hazardous Substances Authority, to revoke the consent.
- 7.3 However if the consent remains in place, and the hazardous substances authorised by that consent can continue to be lawfully stored at the SGN site, then the HSE would maintain its consultation zone around the site and this could potentially constrain future development in the Sevenoaks Way and Leeson's Hill area which is located within the Strategic Industrial Location (SIL). Only if the consent is revoked can the HSE remove its consultation zone and thereby remove a significant potential constraint to future development in the Strategic Industrial Location; which is identified in the London Plan and the Bromley Local Plan as an area for strategic growth and to meet the needs of new and growing businesses.

7.4 The Planning (Hazardous Substances) Act 1990 allows for a Hazardous Substance Consent (HSC) to be revoked under s.14. The local planning authority, as the Hazardous Substance Authority, can make a revocation Order under s.14 (1) or (2) of the Act. The revocation Order will be subject to confirmation by the Secretary of State under s.15 of the Act (even if it is unopposed). S.16 (1) of the Act makes clear that compensation; which would otherwise be payable for a revocation or modification using powers under s.14(1), is not payable for a revocation if it is made under s.14 (2) of the Act. In the current case the site operator SGN has confirmed that it would not seek compensation and in any event in its opinion the application relates to s.14 (2) of the Act.

Analysis

7.5 The application details state that the site is no longer used for the storage of the hazardous substance (gas) authorised by the consent. Instead it would be contained and distributed under high pressure pipes capable of performing the same function as the gas holders without the need for storing the gas on the land. Furthermore, the gasometers have been decommissioned and purged of their contents and are in the process of being dismantled and removed.

7.6 The site operator has requested the revocation of the consent and confirms that it would not seek compensation under the Act. Furthermore, the revocation of the consent would not risk awarding compensation under s. 14(2) of the Act providing that it meets the following criteria:-

- (a) That there has been a material change in the use of the land to which the HSC relates; or
- (b) Planning permission has been granted and commenced for development of the site and would involve making a material change in the use of the land; or
- (c) In the case of a HSC which relates only to one substance, that the substance has not for at least five years been present on, over or under the land to which the consent relates in a quantity equal to or exceeding the controlled quantity; or
- (d) In the case of a HSC which relates to a number of substances, that none of those substances has for at least five years been so present.

7.7 Officers agree with the site operator's statement that the permanent decommissioning, purging and removal of the gas storage facility would result in a material change of use of the land to which the Hazardous Substances Consent relates; as it would no longer be used for the storage of gas (the hazardous substance), under paragraph (a) above. On this basis it is recommended that the Hazardous Substances Consent is revoked. The accompanying draft Order to revoke the consent shall be referred to the Secretary of State for confirmation.

7.8 Under s.15 (3) of the Act notice of an Order submitted to the Secretary of State must also be served on relevant third parties that may be affected by the Order. The site operator suggests that any other party is unlikely to be affected by the revocation Order however, notwithstanding this; the Council must adhere to s. 15 of the Act in order to confirm the Order.

8. CONCLUSION

- 8.1 In view of the above considerations it is recommended that delegated authority is granted to Officers on behalf of the local planning authority, as the Hazardous Substances Authority, to progress the revocation of the Hazardous Substances Consent; subject to confirmation by the Secretary of State.

RECOMMENDATION:

On receipt of confirmation that the site operator agrees that a claim for compensation will not be made, that an order be made under section 14(2) of the Planning (Hazardous Substances) Act 1990 revoking the Hazardous Substances Consent for the B G Transco Site, Sevenoaks Way, Orpington which shall then be referred to the Secretary of State for confirmation.

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Report
No.DRR00000

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Wednesday 18 March 2020

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

Title: BECKENHAM TOWN CENTRE CONSERVATION AREA STATEMENT

Contact Officer: Simon Went, Temporary Principal Conservation Officer
Tel: 020 8461 3115 E-mail: simon.went@bromley.gov.uk

Chief Officer: Tim Horsman, Assistant Director Planning & Building Control
Tel: 020 8461 7716 E-mail: tim.horsman@bromley.gov.uk

Ward: Clock House; Copers Cope; Kelsey and Eden Park;

1. Reason for report

For Members to consider the formal adoption of the Beckenham Town Centre Conservation Area Statement to help the Council effectively preserve and enhance the Beckenham Town Centre Conservation Area.

2. **RECOMMENDATION(S)**

Members are asked to formally adopt the Beckenham Town Centre Conservation Area Statement

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

Corporate Policy

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

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Planning / Conservation
 4. Total current budget for this head: £1.7m
 5. Source of funding: Existing budget
-

Personnel

1. Number of staff (current and additional): 1
 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? Yes
2. Summary of Ward Councillors comments: Ward Councillors have been involved in the Conservation Area designation process and have been provided with a copy of the draft Statement

3. COMMENTARY

- 3.1 Following the designation of the Beckenham Town Centre Conservation Area, a supporting statement has been produced to help preserve and enhance the Conservation Area.
- 3.2 Members are asked to consider the appended draft Conservation Area Statement and consider adopting it for use as a material planning consideration in the determination of planning applications

Non-Applicable Sections:	IMPACT ON VULNERABLE ADULTS AND CHILDREN POLICY IMPLICATIONS FINANCIAL IMPLICATIONS PERSONNEL IMPLICATIONS LEGAL IMPLICATIONS PROCUREMENT IMPLICATIONS
Background Documents: (Access via Contact Officer)	

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Conservation Area Statement

BECKENHAM TOWN CENTRE CONSERVATION AREA



1.0 INTRODUCTION:

- 1.1 The Beckenham Town Centre Conservation Area is the historic core of Beckenham and contains a mix of commercial uses on the High Street with some residential streets in the immediate vicinity. The Conservation Area contains a mix of building styles, mainly dating from the 19th and 20th centuries. A number of statutory listed, locally listed buildings exist within the area. The boundary can be seen in Fig 1 and stretches from the War Memorial roundabout at the southern end of the High Street as far as Beckenham Junction Station in the North.
- 1.2 This document provides a statement of character and appearance for the conservation area along with a management plan for its conservation. This management plan is relevant to development proposals and enhancement works by the Council.
- 1.3 Following a public consultation exercise, the Conservation Area was adopted by the Council's Development Control Committee on 24th March 2015 and formally designated by the Council's Executive Committee on 10th June 2015.
- 1.4 This document was adopted in ?

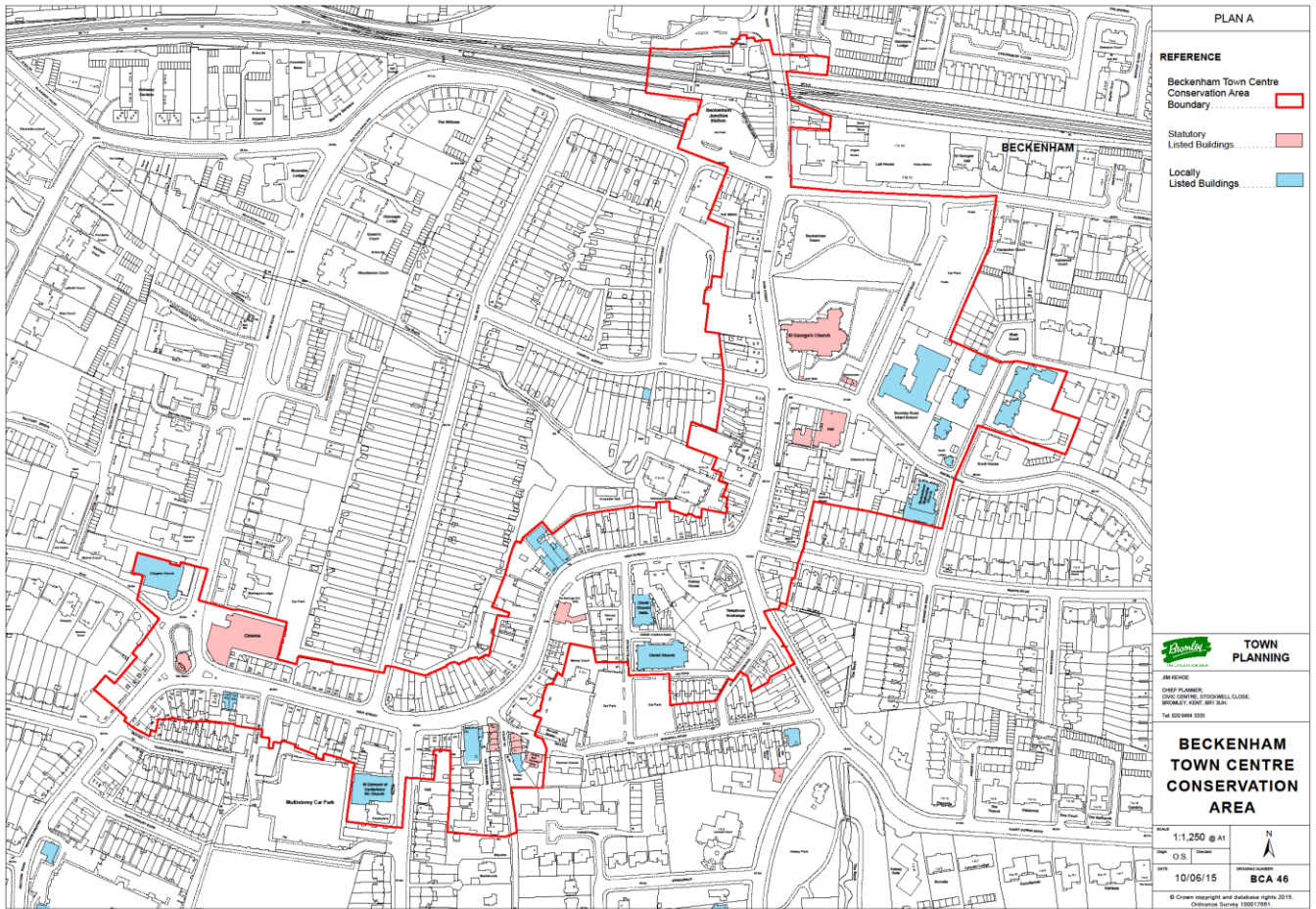


Fig 1. Map of the Beckenham Town Centre Conservation Area. This map can also be viewed on the Council website at www.bromley.gov.uk/planning.

2.0 HISTORICAL DEVELOPMENT

2.1 Early History

From the 9th to 17th Centuries the area now called Beckenham was referred to by various other names including Biohha Hema, Beohha Hamme and Becheham. People settled from the continent in this area prior to the Roman invasion and left evidence of their presence at Tootswood near Shortlands. The Domesday book mentions the manor of Beckenham as being owned by Ansgot of Rochester. The population at that time is said to have included just 22 villagers and 8 smallholders. Little visible evidence of this era still survives although the meandering street pattern of the High Street has medieval origins and predates the buildings that stand today.

2.2 19th Century

At the beginning of the 19th century, the population of the parish was approximately 1000. At that time it had little local autonomy: it was a parish within the county of Kent. Local affairs were overseen by the parish Vestry, as was common in many villages at that time. The population remained steady until the 1840's, after which it doubled or even tripled over each succeeding decade. Autonomous local government began to develop. In 1878, a Beckenham Local Board was formed, which rapidly evolved into an Urban District. By 1901, 26,000 people lived in the parish. In 1935, the council became a Borough, electing its own Mayor, by which time the population was approximately 45,000.

2.3 The period of greatest growth and change, from 1860 to 1890, swept away most of the timber framed and clapboard houses that had characterised the village (with the obvious exception of the listed Old George public house that remains in the High Street), and replaced them with the solid architecture of prosperous Victorian urban life.

2.4 Beckenham St. George's is the historic core of the village and then town of Beckenham. As such, it has been occupied by built development for many centuries. Temporal and spiritual power in the form of the Old Manor, the Rectory and the Church were located there. Appropriately, it still contains the focus of the modern town: the banks, the Church, the Public Hall and the primary school. It is largely this collection of institutional, civic and community buildings that establish the character of the conservation area.

2.5 The area is a product of the rapid urban changes of the 1880's, during which its finest buildings were constructed on the site of the Old Manor and its grounds. The Old Manor was Beckenham's stepping stone to greater things. The direct pre cursor of Beckenham Place, the Old Manor and the Lordship of Beckenham were purchased by John Cator in 1773. Although a grand old house, it was not of the style which a newly wealthy country gentleman would find sufficient, and Cator constructed Beckenham Place to replace it shortly thereafter. By 1788 it had passed to the Hoare family, who aggrandised it with land purchased from Lord Gwydir of

Kelsey Manor, a property which the Hoares themselves would later own. They sold it in 1881, when it was purchased for the construction of the civic buildings required by the growing town.

20th Century Beckenham

- 2.6 The early 20th Century expansion happened towards the southern end of the High Street and many fine buildings from that period survive. These include the modernist former Post Office, the Art Deco Odeon Cinema and St Edmund's modern gothic style church.



Fig 2. 1930 BSOA Dance Poster

HISTORIC MAP REGRESSION

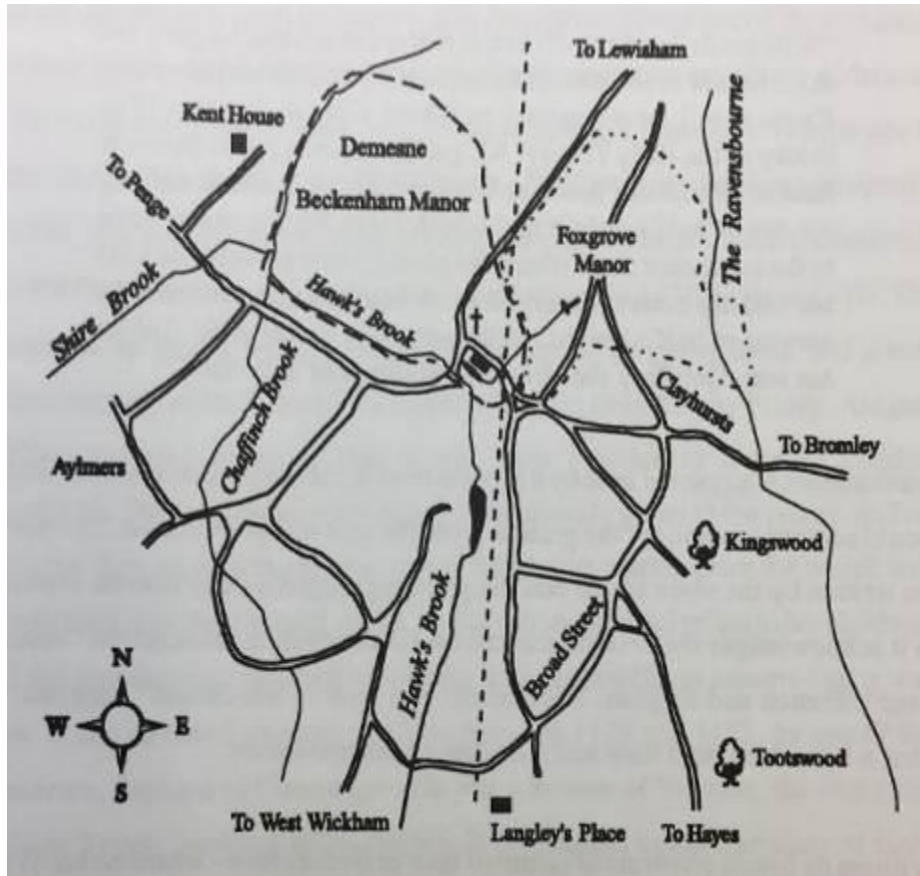


Fig 3. Sketch map of Early Medieval Beckenham



Figure 4. 1745 Rocques Map



Figure 5. 1838 Tithe Map



Figure 6. 1883 OS MAP

3.0 Spatial Form

High Street

- 3.1 The study area is centred around the High Street which is the historic core of Beckenham. The High Street stretches from Beckenham Junction station westwards to the Beckenham war memorial. Historic land ownership patterns and topography have led to an unusual meandering layout including a 90 degree turn at the Junction with Manor Road. This area is characterised by narrow urban plots at right angles to the streets mostly with no front sites and predominately terraced development.

Surrounding Streets

- 3.2 Immediately behind the High Street are some terrace Victorian cottages such as those on Stanmore Terrace which have a very urban character and are likely to be coeval with much of the High Street development

Listed Buildings





Statutory Listed Buildings

3 Southend Road (CA)
3A Southend Road (CA)
24 Southend Road (CA)
Foxgrove Lodge Beckenham Place Park (CA)
St Georges Church (CA)
Alms Houses 1-3 Bromley Road (CA)
Beckenham Public Hall (CA)
George Inn High Street
Coach and Horses Burnhill Road
1-7 Kelsey Square (CA)
Odeon Cinema High Street
Beckenham War Memorial Jct Croydon Road and High Street
Former Technical College 28 Beckenham Road (CA)
4 Manor Way
St George's Church (CA) The George Inn
Odeon Cinema and War Memorial Beckenham Public Hall (CA)

Locally Listed Buildings

Bromley Road Infant School, Bromley Road (CA)
1-6 The Knoll (CA)
Knoll Lodge The Knoll (CA)
Beckenham Methodist Church Bromley Road (CA)

Oakhill Lodge The Knoll (CA)
 Oakhill House (CA)
 50 Manor Road
 Nos. 6-42 , 9-13, 29-43 Chancery Lane (CA)
 13 Wickham Road (CA)
 1-7 Limes Road (CA)
 24-32 Manor Way (CA)
 Nos. 2, 21, 38, 39, 50, 52 Manor Way (CA)
 Christ Church Fairfield Road
 Christ Church Halls Fairfield Road
 162-166 High Street
 157 High Street (CA)
 Kelsey Lodge Kelsey Square (CA)
 St. Edmunds Church Village Way
 Post Office Office 22 Rectory Road
 5-27 Cedars Road (CA)

	
<p>St George's Church</p>	<p>The George Inn</p>
	
<p>Odeon Cinema and War Memorial</p>	<p>Beckenham Public Hall</p>

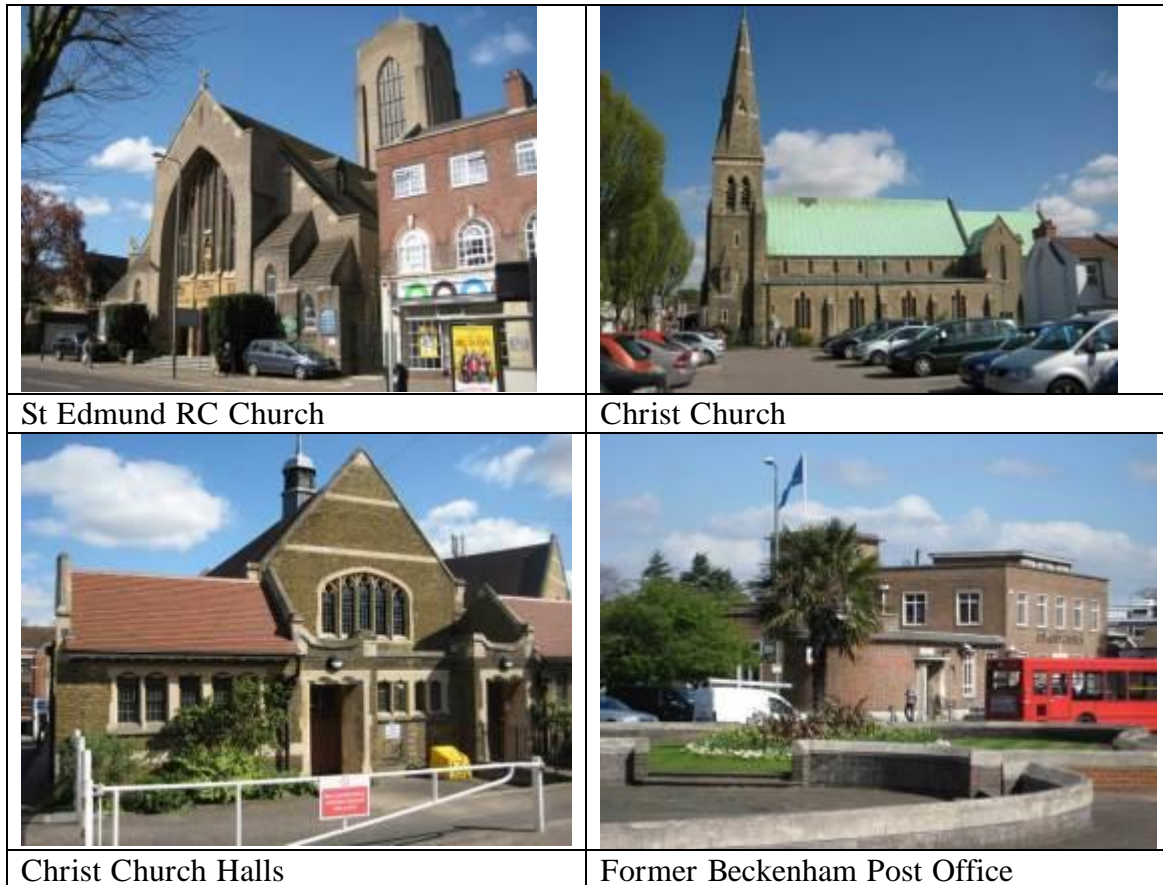


Fig 2 . A selection of buildings within the conservation area.

Building styles and Landmarks

High Street Area

- 3.3 The most important buildings in the central High Street area are already within the St Georges and Kelsey Square conservations but there are some notable exceptions such as the Grade II listed George Inn which dates from the 18th Century, locally listed St Edmunds RC Church in a modern gothic style, the Grade II listed Art Deco Odeon and the Beckenham War Memorial. These last two in particular provide an impressive entrance to the town centre and are significant in both terms of 20th century design and their contribution to Beckenham’s social history. Other 20th century buildings of note include the former Burton’s shop which has a modernist façade and is currently occupied by Pizza Express at 189 High Street. However some of the interwar shopping parades are of poor quality such as those on the north side of the western extent of the High Street.

Surrounds

- 3.4 The conservation areas of Southend Road, Chancery Lane, Elm Road and Manor Way are the best examples of suburban and hamlet type development.

- 3.5 Between The High Street and Chancery Lane is Manor Road which also has two cul de sacs; Manor Grove and Bevington Road. These red brick semi-detached Victorian houses date from the 1880s and are of a common type in London with detailing most likely replicated from pattern books. Unfortunately many of these houses have lost their front gardens and many have uPVC windows. These changes are less pronounced on the side roads.
- 3.6 To the east of Manor Way conservation area is Kelsey Park which is a formal park laid out in what was the grounds of the former Kelsey Manor. It should be noted that the park lodge is already included in the Manor Way conservation area.
- 3.7 North of the St Georges conservation area is Beckenham Junction Railway Station which retains much of its original Victorian character on the platforms, with detailing such as the large and distinctive cast iron canopy brackets, but externally the front site is dominated by car parking and the station appears modest.

3.8 Views

3.9 There are no views of a planned nature but the organic development and historic nature of the town centre means that glimpses of the various church spires are often visible and some of the better individual buildings on the High Street contribute to some pleasant streetscapes. Views into the High Street area from the west are dominated by the Odeon, former Post Office and the War Memorial. This area provides a striking entrance into the High Street and has a high streetscape value.

	
<p>High Street with no 134 in the foreground.</p>	<p>Southwards out of the St Georges conservation area. Old Police Station in the left foreground and the BT telecom exchange in the background.</p>

4.0 Management Plan

Policies & Guidance

- 4.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 is the primary legislation which protects the historic environment. Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 impose a statutory duty upon local planning authorities to consider the impact of proposals on listed buildings and conservation areas. With regard to listed buildings, it states that the determining authority 'shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' And in respect of conservation areas, it requires that 'special attention be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 4.2 The National Planning Policy Framework (NPPF) sets out the Government's policies for decision making on development proposals. At the heart of the framework is a presumption in favour of 'sustainable development'.

Conserving heritage assets in a manner appropriate to their significance forms one of the 12 core principles that define sustainable development.

- 4.3 NPPF policy advises that for new development to be sustainable it needs to encompass an economic, social and environmental role, with the latter including the protection and enhancement of the built and historic environment. Paragraph 8 notes that these roles are mutually dependent and should not be taken in isolation; and that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Paragraph 8(c) of the NPPF states that the environmental role of a development includes protection and enhancement of the historic environment.
- 4.4 Section 16 of the NPPF sets out how the historic environment should be conserved and enhanced. Paragraph 193 states that when considering the impact of a proposed development on a heritage asset, 'great weight' should be given to preserving its significance.
- 4.5 Paragraph 194 states that 'any harm or loss should require clear and convincing justification' and paragraph 195 sets out the tests which must be met when considering applications which cause substantial harm including public benefits and securing reasonable use. Paragraph 196 states that proposals that would lead to less than substantial harm should be weighed against the public benefits of the proposal including securing its optimum viable use. Where a proposal would result in harm to the significance of a designated heritage asset, this must be assessed by the criteria set out in paragraphs 195 or 196, depending on the degree of harm caused.
- 4.6 The 2016 London Plan provides a strategic framework for development in London. This includes key policies related to the safeguarding of London's heritage assets and their settings. Specific policies related to this proposal which should be addressed include policy 7.8 (heritage assets) part C and D (planning decisions) of the London Plan. Part D states that 'development affecting heritage assets should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.'
- 4.7 The 2019 Bromley Local Plan has several policies directly relating to the historic environment in Chapter 5. These include Policy 41 Conservation Areas.

Demolition

- 4.8 Proposals for the demolition of structures within the conservation area will normally be assessed against the contribution of the structure in question. This contribution could be on an individual basis or as part of a group of buildings. This will normally be assessed on a case by case basis in the context of specific circumstances.

- 4.9 Some buildings and structures are individually designated through statutory or local listing and these are strong contributors to the character and appearance of the Conservation Area. However, non-listing by no means implies that a building is non-contributory, and there should be no presumption of this. The character and appearance of a Conservation Area is frequently embodied in buildings, which are not in themselves exceptional, but are contributors to the Area's noteworthiness. A Heritage Statement should be provided with any application for demolition in the conservation area. The Heritage Statement should outline the contribution that a building or buildings makes to the Conservation Area.
- 4.10 To avoid vacant or derelict sites and consequent uncertainty about the future of a site, demolition will not normally be permitted prior to secure commitment to a specific form of redevelopment. Where appropriate the use of legal or financial securities will be considered to ensure fulfilment of such commitments.

Siting of New Development

- 4.11 New buildings in a conservation area will normally only be considered:
- on a site created through demolition of an existing building;
 - on a currently vacant plot; or
 - as an additional building on a plot presently accommodating a building (where appropriate opportunities can be identified).
- 4.12 The characteristics of the relevant character area as described in the Appraisal section of this document should be a starting point for the conception of design concepts for any new development in the Conservation Area.
- 4.13 The established density and layout in the area will provide a guide to the appropriate scale and positioning of any new development. Insertion of new structures within already developed plots will generally require constraint in scale and careful positioning to ensure that they do not detract from the established character and appearance.

Layout

- 4.14 The siting and layout of new structures must be respectful of the character and appearance of the Conservation Area. This requires recognising and responding to the predominant scale, form and detailing of contributory buildings, and reflecting the bulk and spatial composition of structures and intervening spaces.
- 4.15 Spaces around and between buildings are often an important part of the

character and appearance of an area, and the setting of principal contributory buildings. In particular in the town centre, the composition and relationships between buildings and open spaces (both public and private) is an important element of character and appearance. The conservation area contains numerous alleys, yards and slips. These are often representative of historic plot patterns and thoroughfares and it is expected that they are maintained to a reasonable standard. These alleys, yards and slips should not be closed off by new development that would obstruct permeability or negatively affect important views.

Design of New Buildings

- 4.16 Where new buildings are deemed to be appropriate, attention is required to ensure their compatibility with the Conservation Area, which should result in a positive contribution to the area both in its own right, and as an element in the urban form. As well as buildings, this relates to the spaces and relationships between buildings, and the treatment of the site and surroundings.
- 4.17 In particular, new buildings should not become dominant elements or overwhelm existing structures and spaces. For example, it is good practice for new buildings to keep within the typical height of existing buildings, ideally remaining slightly lower than adjacent buildings. Building frontages and bulk should be addressed similarly. Attention should also be paid to the articulation, fenestration and break up of existing buildings, and the scale at which this occurs, avoiding visual massing out of scale with established and contributory elements.
- 4.18 The adoption of scale, forms and materials characteristic of the Conservation Area is appropriate. (the underlying principles are similar to those relevant to alterations and additions, which are detailed below). However design which attempts "mock historic" replication of buildings from earlier eras is discouraged, as this lacks authenticity, dilutes the Area's significance, and can confuse interpretation of the Area's historical development. An exception may be justified where reinstatement of an important missing element of the built form will repair a jarring gap and can be based on detailed historical records. In these cases, clues to the building's more recent origins may be provided by restrained detailing and a date stone where appropriate.
- 4.19 It requires considerable design skill to introduce a building, which is recognisably and unashamedly new, yet respectful of and complementary to the character and appearance of the Area. Such a design challenge deserves the involvement of specialist, experienced professionals.
- 4.20 The Commission for Architecture and the Built Environment (CABE) have produced guidance entitled "Building in Context: New Development in Historic Areas" and it is available at <http://www.building-in-context.org> . Full use should be made of such resources and reference should be made any the

Design and Access or Heritage Statement that accompanies an application.

Alterations and Extensions

- 4.21 The Conservation area is a living part of the urban area, particularly the central retailing and business functions. Changing business and administrative needs, lifestyles and expectations will result in pressure for adjustments to existing buildings to respond to this. Such modifications can frequently be achieved without diminishing the character and appearance of the Area, but care is required.
- 4.22 The Historic Environment Planning Practice Guide (July 2019) provides guidance on the alteration of Heritage Assets. As Conservation Areas are considered to be Heritage Assets, the principles and guidance detailed in this document are also applicable to any building that within a Conservation area.

Location and Form of Extensions

- 4.23 Extensions and additions should reflect the forms, materials, textures and finishes of the host building, along with the design philosophies underlying its style. These vary between individual buildings in this Conservation area, and will need to respond to the specific building. The proportions, positioning and integration of an extension to the host building should be designed to safeguard not only the building's contribution to the public realm, but its enduring value to the owner. It should not be so large as to dominate or compete in visual terms with the host building.

Materials and Methods

- 4.24 Materials utilised in additions and alterations should match those of the host building. Care should be taken with details such as the matching of brick bonds and continuation of stringcourses or lintels.

Shopfronts

- 4.25 Original shopfronts are very important to the character of commercial areas. Retention and reinstatement of original frontages and/or details will be strongly encouraged. Where introduction of new shop fascias is appropriate, the Council encourages these to be designed in a manner to enhance the street scene and to be no larger than those of neighbouring shops. Many retail chains have a corporate or house style. However, this approach will only be acceptable where it is in accordance with the design standards expected in the conservation area.
- 4.26 The installation of permanently fixed, or external steel roller shutters, deadens

the streetscene and attracts graffiti. Where it is considered that security shutters are appropriate, Council strongly encourages the use of toughened glass. This minimises visual impact and maintains an active and interesting street scene, important to ensuring active pedestrian usage out of trading hours, with consequent security benefits.

- 4.27 Where security shutters are to be used, conservation policy requires that open mesh or lattice shutters are preferred as they allow a clear view into the shop and maintain a visible window display, and are considered to provide adequate protection to most shop fronts
- 4.28 As shopfronts are replaced, particularly in 19th century buildings, the Council will encourage enhancement through the reinstatement of traditional design elements, such as stall risers and pilasters of painted timber construction that are more appropriate to the age and form of the host building.
- 4.29 All replacement shopfront proposals should be well-related context whether this is the host building, parade or wider street scene as a whole; of a high quality of design and use appropriate materials. Period design shopfronts and existing or original features are retained or reintroduced where appropriate. It also requires that deep or uninterrupted fascias, or those which extend above first floor level should be avoided and that stallrisers should be provided, and are well-related in scale and height to the host and, where appropriate, neighbouring properties;
- 4.30 In addition, in Conservation Areas, the retention of shopfronts that contribute to the street scene even when the commercial use has ceased is required.

Exterior Details

- 4.31 Details characteristic of the building type and era should be retained wherever possible. Alterations to the exterior form and detailing of a contributory building should respond sensitively to the significant elements of the building. In particular attention should be paid to protecting and reflecting element of the original design detailing, such as chimneystacks, ridge tiles, lintels, and stringcourses. Every effort should be made to retain and repair such original details. Regular and timely maintenance is preferable to the difficulty and expense incurred by belated repair or, ultimately, replacement.

Windows and Doors

- 4.32 Original window and door proportions, materials and detailing should be retained. As Historic England advise in their guidance on historic windows, repair of original joinery is desirable where practical, with any necessary new work matching in materials and detailing. Insensitive replacement doors and windows can seriously detract from the character of a building and, in turn, the conservation area.
- 4.33 Mass produced standard components (particularly those made in UPVC) can rarely reflect the carefully considered proportions and detailed mouldings of original doors and windows, and their use is discouraged. Whilst their installation may be cheaper, they are visibly inappropriate to a period building, and can seriously detract from the value of a property.

Dormers and Roof Lights

- 4.34 The desire to increase useable areas in a dwelling often leads to the conversion of attic and roof spaces into rooms. This results in the requirement for natural lighting where none, or insufficient, is available at present. The most common responses are to insert dormer windows into the roofline, or to install roof lights. The appropriateness of either approach will depend upon the individual circumstances of each building, and should not begin with a presumption that either approach will necessarily be compatible to a particular case.
- 4.35 Dormer windows are a component part of some architectural styles. However, in other cases the introduction of dormers will be inappropriate, particularly on prominent front or side rooflines. Close attention to the style of the host building can indicate whether appropriate opportunities exist. Where an opportunity is identified, the scale of a dormer should respond to traditional styles, usually requiring some restraint of the urge to maximise internal spaces to avoid adversely impacting upon the appearance of the building and Conservation area. If installation of dormers is appropriate, they should be set below the ridgeline of the host building.
- 4.44 Roof lights must be sited sensitively to avoid detracting from important views of the building. Where roof lights can be demonstrated to be compatible, they should be mounted flush with the roofline rather than in a raised box, which emphasises their presence. Normally, placement in rear elevations is preferable to the front elevation.

Satellite Dishes, Domestic Microgeneration Equipment and other Plant

- 4.45 The location and appearance of plant, extractors and other equipment such as satellite dishes on properties, should be carefully considered. All plant

should generally be placed out of view from the public realm.

- 4.46 Satellite dishes must not be placed on a chimney, roof or wall that is visible from a highway. As such, any satellite dishes should be located in rear gardens or another service should be used.
- 4.47 Solar panels and solar thermal equipment are not permitted in a Conservation Area if they are to be installed on a wall forming the principal or side elevation of the dwelling house and would be visible from a highway or on a wall of a building within the curtilage of the dwelling house and would be visible from a highway.
- 4.48 More information about adapting to climate change and increasing energy efficiency can be found at www.climatechangeandyourhome.org.uk .

Hardstandings and Driveways

- 4.49 Frequently, proposals for hardstandings and driveways are generated by the desire to accommodate motor vehicles on the plot, or to increase the capacity for this use. This mainly occurs in the more residential areas on the fringe of the Conservation Area.
- 4.50 Recent changes to the General Permitted Development Order have restricted the amount of hard surfacing allowed within the curtilage of a dwelling house. Where that hard surfacing would exceed 5 square meters planning permission is now required unless that surfacing is made of porous materials which will allow for a better thought out landscaping scheme in front gardens incorporating hard standing and porous materials without diminishing the setting of the building or adversely affecting the character and appearance of the conservation area.
- 4.51 Where opportunities do exist, minimising the width of the opening in a front wall will reduce the impact upon the streetscene whilst retaining some screening of the front garden. Paving may be addressed as a component part of a comprehensive design treatment, so visually remains part of the garden, rather than appearing as an area deducted from it. Retention of border planting can avoid starkness caused by paving to wall or building edges.

Garages

- 4.52 In residential sections of the Conservation Area, the introduction of garages needs to be sensitive to the building forms of the area. In some situations, a single level wing at the side of a larger dwelling may fit the general form of development, whilst in others it may detrimentally alter the built form, such as by blocking openings between buildings, which may be characteristic of the area. Traditional garages may be too small to accommodate modern

vehicles. If enlargement or replacement can be sensitively achieved, it may be possible to borrow design elements from the original to retain compatibility. Rarely will enclosed parking forward of the primarily frontage of the main building be appropriate or supported.

Trees, Gardens, Hedges

- 4.53 Established trees and gardens play an important contributory role to the character of most Conservation Areas. Within the Bromley Town Centre Conservation area the pockets of parkland and incidental trees and gardens are a vitally important relief to the intensive urban character of the town centre.

Changes of Use

- 4.56 The commercial centre of the Conservation Area is, by its nature, at the forefront of evolving demands and pressures for change. The challenge is to absorb change whilst retaining the essential character which links the centre with the richness of its past and sustains the spirit and identity of place.
- 4.57 The viability of a significant building's retention can sometimes be assisted through finding a new use which might return it to an economic function which can support maintenance, repair and conservation works. This must be balanced with other considerations, including the potentially reduced significance of a building, which no longer performs the role for which it was established.
- 4.58 Consideration also needs to be given to consequential pressures, which may flow from a change of use which may include the potential of increased demand for car parking, either on site or in the locality. On site parking can often impact adversely upon open spaces which are contributory to the character and appearance of the Area, such as through the loss of garden settings. Where parking is on street, the presence of many cars for much of the time can detract seriously from the appearance of an area.

Advertising and Signage

- 4.59 The Council wishes to ensure that businesses in the commercial sections of conservation areas are able to effectively advertise their goods and services. However, it also wishes to reduce the visual clutter that poorly designed, located or oversized advertisements can cause. Advertisements which are seen to detract from the character of the area will be resisted or made subject to discontinuance action where necessary.
- 4.60 Retail units will often be able to make use of front window space and window fascias to advertise goods or services. A carefully designed and painted fascia, combined with a good window display is an excellent advertisement

for a shop and will contribute to the character of the conservation area. Where this opportunity is available, the Council will normally resist the placing of advertisements on other parts of a building. The practice of painting out of shop windows as a form of display or advertising is also discouraged, stifling the contribution which the display or goods and visibility of inside activity contribute to the overall sense of vitality and interest.

- 4.61 New and replacement signs should be designed in a way that minimises their impact: they should not be displayed at first floor level or above, especially on exposed flank walls. External illumination is preferred over internal illumination on traditional shopfronts. However, light fittings should be small and low key. New fascia signs should not exceed the depth of the fascia.
- 4.62 Within residential areas, every attempt should be made to keep advertising material to the smallest possible scale. Illuminated advertisements will not be acceptable in residential locations.

5.0 Advisory Panel for Conservation Areas

- 5.1 The Council will ensure that development control in conservation areas is undertaken with care and sensitivity to the character and appearance of the area. This is achieved by referring applications to the Council's Conservation Officer, Tree Officers as appropriate and the Advisory Panel for Conservation Areas (APCA). The Advisory Panel for Conservation Areas consists of independent representatives of relevant professions (such as architecture & town planning) and interest groups such as Local Civic Societies and Residents' Associations. Each conservation area is entitled to an APCA representative, usually nominated by the local residents' association.

SOURCES

The Early History of Beckenham: Hevey, Len
The Village of Old Beckenham: Copeland, Robert
Beckenham: Inman, Eric
Bromley Local Studies Library Map Collection

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Report No.
DRR20/021

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: EXECUTIVE

**FOR PRE-DECISION SCRUTINY AT THE RENEWAL,
RECREATION AND HOUSING POLICY DEVELOPMENT AND
SCRUTINY COMMITTEE AND DEVELOPMENT CONTROL
COMMITTEE**

Date: RR&H: Wednesday 25th March 2020
DCC: Tuesday 18 March 2020

Decision Type: Non-Urgent Executive Non-Key

Title: TOWN CENTRE PLANNING POLICY STRATEGY: BROMLEY
AND ORPINGTON

Contact Officer: Hannah Jackson, Head of Town Centre Renewal
Tel: 0208 461 7960 E-mail: Hannah.Jackson@bromley.gov.uk
Ben Johnson, Head of Planning Policy and Strategy
Tel: 0208 461 7845 E-mail: Ben.Johnson@bromley.gov.uk

Chief Officer: Sara Bowrey: Director of Housing, Planning and Regeneration

Ward: Orpington; Bromley Town

1. Reason for report

- 1.1 This report provides an update on the planning strategy work for Orpington and Bromley town centres, and suggests a proactive approach to guiding development in the town centres through the implementation of Supplementary Planning Documents (SPDs).

2. **RECOMMENDATION(S)**

- 2.1 Members of the Renewal, Recreation and Housing Policy Development & Scrutiny Committee and of the Development Control Committee are asked to note the report and provide their comments to the Executive.

- 2.2 The Executive is asked to:

- Note the work undertaken to inform a Renewal Strategy for Orpington town centre and the reasons why this work was suspended

- Note the work previously undertaken on planning policy relating to Bromley town centre and the need for additional formal planning guidance.
- Agree that Supplementary Planning Documents be produced for Orpington and Bromley town centres, through a joint project between the Council's Planning Policy and Strategy and Renewal teams to guide future development in the town centres.
- Allocate up to £50k from the Growth Fund for consultancy services to provide advice on urban design, should it be required.

Impact on Vulnerable Adults and Children

1. Summary of Impact: The Supplementary Planning Document approach will promote opportunities for inclusion in public spaces and enhanced wellbeing.
-

Corporate Policy

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

Financial

1. Cost of proposal: Estimated Cost: Up to £50k
 2. Ongoing costs: N/A -Non-Recurring Cost:
 3. Budget head/performance centre: Planning Policy & Strategy
 4. Total current budget for this head: £ £0.596m
 5. Source of funding: Growth Fund
-

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: Town and Country Planning (Local Planning) (England) Regulations 2012
 2. Call-in: Applicable:
-

Procurement

1. Summary of Procurement Implications: Proposals comply with the Council's Contract Procedure Rules.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): In 2017, the population of the Orpington ward was 15,607 and the population of the Bromley Town ward was 19,054. However, the vibrancy of these town centres affects the wider population of the borough, which is currently estimated at 330,908.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments:
A meeting was held with Orpington ward councillors on 26th February 2020. Ward councillors were generally supportive of the principle of producing supplementary planning guidance, and were keen that the guidance considered the following issues:

- Achieving the right balance between different uses in the town centre to enhance its vitality and protect its character
- Supporting the concept of a public square at the heart of the town
- Consideration of the accessibility of the High Street, including improving pedestrian access from the mainline train station
- Prioritising mechanisms for improving the daytime economy of the town and building on the success of the night time economy
- That the Council is ambitious about the town's future, recognising its designation as a Major Town Centre in the Local Plan.

Ward councillors were also keen that officers work with developers to ensure that the town does not decline during the course of any works. They also recognised the significant contribution of Orpington 1st towards the vibrancy of the town.

A meeting was held with the Bromley Town ward councillors on 10th March 2020. Ward councillors were generally supportive of the principle of producing supplementary planning guidance that considered the future of the town centre holistically. They emphasised that the requirement for residential development in the town centre should be carefully considered (particularly in relation to height) to ensure that the character of the town centre was protected, that businesses continued to thrive, and that neighbourhoods were created rather than development taking the form of isolated blocks of high density. Ward councillors were keen to promote good quality consultation as part of the process of producing the SPD.

3. COMMENTARY

Orpington Town Centre

- 3.1 Orpington town centre is the borough's only designated major town centre. The adopted Local Plan has a number of policies which cover Orpington. Policy 17 identifies the area within the Cray Valley Renewal Area and supports Orpington Town Centre in its role as a Major Town Centre, serving the east of the Borough in respect of retailing and community services and developing a thriving retail, office and leisure economy. In addition, policy 1 identifies Orpington town centre as a broad location for the development of housing to meet housing targets. There are also particular site allocations located within the town centre.
- 3.2 There is an active business community led by Orpington 1st, the town's Business Improvement District. In recent years, the Council has implemented improvements to the public realm and with the programming and business support offered by Orpington 1st, vacancy rates remain comparatively low and footfall is stable.
- 3.3 However, data shows that Orpington is not currently realising its potential for economic growth. Studies commissioned with Cushman & Wakefield and Holder Matthias found that the town's market position has fallen in recent years, with issues affecting the town including:
- A fall in retail and service floor space
 - Retail vacancies concentrated in the Walnuts Shopping Centre
 - Retail rents are static and below average
 - Competitor retail centres have matured and received investment
 - Reduction in workspace in the town centre
 - Challenges in the physical environment such as the condition of the shopping centre, the length of the High Street, poor connections between different areas, and poor pedestrian permeability and access on arrival.
 - A lack of suitable housing for young and low income households, restricting vibrancy and high street diversification
 - Employment opportunities lack in diversity and more people are leaving the area for work
- 3.4 In March 2019, the Renewal, Recreation and Housing Portfolio Holder agreed that officers should submit a funding application to the DCMS's Future High Street Fund to support the cost of producing a Renewal Strategy for Orpington, as a first step towards driving the changes needed in the town centre to secure a better market position.
- 3.5 At their meeting on 3rd September 2019, the Renewal, Recreation and Housing Policy Development and Scrutiny committee were updated that the funding application had been unsuccessful. However, officers confirmed that it was the intention of the Council to progress with the development of a Masterplan for Orpington town centre with the objective of providing a coherent vision for the future transformation of the town centre, although work was suspended while alternative delivery options were considered.
- 3.6 In the meantime, the Walnuts Shopping Centre has been purchased by the developer Areli who intend to make a significant investment in the town. Their plans are still at an early stage, with initial public consultation to ascertain the aspirations of the local community for their town planned for March 2020. Officers from the Council's Regeneration, Property and Planning

teams have had early discussions with Areli and agree that their planned investment has the potential to be the catalyst for the town's transformation.

- 3.7 Officers recommend working closely with Areli to support their bringing forward a scheme which addresses the wider issues affecting the vitality of the town and complements the Council's own aspirations for Orpington.
- 3.8 Areli's timetable for their investment creates urgency around the need for formal planning guidance on the Council's vision for the town centre which would have otherwise been delivered by the Renewal Strategy or masterplan. This is important to ensure that:
- A holistic approach to ensure a cohesive transformation of the town centre is achieved, considering parts of town centre development that might not be part of the Areli proposals
 - Broader community interests in the development of the town centre are protected and prioritised
 - The Council has greater control over development affecting Council-owned land and land owned by Registered Housing Providers.

Bromley Town Centre

- 3.9 Bromley Town Centre is the boroughs largest town centre, and the only Metropolitan grade centre (as identified in the London Plan).
- 3.10 Bromley town centre has the highest footfall of all town centres in the borough and offers a mix of independent and national retailers, civic and community spaces and services, good quality office accommodation, and a range of leisure opportunities including greenspace. With grant funding support, the Council has made significant investments in the public realm in Bromley town centre. This has resulted in the transformation of Bromley North Village, giving that area of the town a stronger identity and building the night time economy. Public realm works to the pedestrianised part of the High Street are ongoing to redefine its character, creating sociable spaces that people want to linger and use for recreation. The 700 businesses within the town are represented by Your Bromley (the Business Improvement District). It is recognised that there is still work to do to address other issues in the town, such as:
- The number of vacant units in prominent locations
 - Perceptions of safety
 - Supporting a more vibrant night time economy
 - Addressing future capacity issues around transport infrastructure
 - Improving connectivity between different character areas in the town centre
- 3.11 Bromley Town Centre is covered by a range of local and regional policy and guidance. The Local Plan (adopted January 2019) is the key local planning document – it identifies the area as a focus for sustainable growth of retail, office, homes, and leisure and cultural activities, as well as allocating a number of sites for future development. The Bromley Town Centre Area Action Plan (AAP) (adopted October 2010) is also an extant document which applies to planning applications, although significant elements have been superseded by the Local Plan.
- 3.12 In July 2018, a draft masterplan was produced for Bromley town centre. This masterplan was limited in scope, focussing on setting the vision for development at Site G (now Site 10) in readiness for a planning application from Countryside for a scheme within the boundary of the

Site. The masterplan centred on identifying the location, mix and amount of development that would be supported in that area. Consultation was completed on the masterplan but the masterplan was not adopted. It is not intended to take this forward as the proposals below would result in more holistic guidance for the centre.

The need for formal planning guidance in town centres

3.13 There is now a more urgent requirement for planning guidance in town centres. The draft new London Plan identifies housing as a suitable use in town centres, in conjunction with commercial uses, and advocates a positive approach to planning to deliver a broad range of uses to meet various strategic priorities, of which housing is a high priority. Without further guidance, there is a risk that the implementation of local policy will be undermined on an ad hoc basis by broader policy set out in the draft new London Plan. .

3.14 Guidance for Bromley and Orpington town centres should be considered a priority:

- Bromley Town Centre is identified as an Opportunity Area in the draft new London Plan, which is reflected in the Local Plan. Policy 90 commits to the Council preparing a planning framework to deliver a minimum of 2,500 homes in the town centre in a way that optimises opportunities for other town centre uses and infrastructure.
- Feedback from developers looking to invest in Bromley town centre is that it is a frustrating place to progress projects. The lack of formal planning guidance has led to a number of sub-optimal planning applications which have either been unsuccessful, successful on appeal or costly and / or complex for the applicant to revise.
- In addition to the reasons why guidance should be prioritised in Orpington set out in paragraph 3.8, the draft new London Plan also identifies Orpington Town Centre as an area which can accommodate a medium level of housing growth.

3.15 Formal planning guidance that proactively sets out a strategy for the town centres (and potentially surrounding areas), marrying local and regional objectives in a positive manner, would be beneficial as it would:

- articulate an updated vision for the town centres that identifies the type and scale of development that may be appropriate in these distinctive areas;
- ensure that the Council delivers on the Local Plan housing targets in a way that protects and enhances the heritage and character of Bromley town centre and maintains the diverse character and function of Orpington town centre;
- consider and plan for future infrastructure requirements for the town centre holistically.
- ensure that development takes place in accordance with the Council's vision for these centres

Supplementary Planning Document approach

3.16 Officers recommend that, given the change in circumstances in both town centres as noted above, a new approach is adopted. It is recommended that a joint project between the Head of Planning Policy and Strategy and the Head of Renewal is progressed to produce Supplementary Planning Documents (SPDs) to guide town centre development in each of the

centres. The SPDs would be formally adopted by the Local Planning Authority. The SPDs could provide guidance on:

- Investment in physical infrastructure;
- Process for ongoing engagement with key stakeholders;
- Land acquisition or land assembly where this is required for transformational change;
- The location, mix and amount of development, particularly for allocated sites;
- Broad guidance on suitable scale, height and massing of development;
- Improvements to the public realm;
- Improvements to transport access, traffic flows and circulation; and
- Areas where change of use would be supported.

3.17 The benefit of producing a SPD is that it could be produced, consulted on and adopted within a relatively short timescale (around 12 months) and it would have weight in any future planning applications in the centres. Informal documents could be produced in a shorter timescale but they would not attract the same weight when determining future planning applications. Alternatively, an AAP could be produced which would have Development Plan weight when determining future planning applications; however, the timescales for an AAP are considerably longer due to the requirement for an independent examination.

3.18 SPDs cannot create new planning policy and must be consistent with adopted Development Plan Documents (namely the Bromley Local Plan and the London Plan). However, officers consider that the SPD approach offers significant scope to provide detailed guidance to proactively shape the development of the town centres.

3.19 There are several statutory stages involved when producing an SPD. Initially, officers consider there is merit in undertaking preliminary consultation (for a minimum of four weeks), which, while technically not required, would allow for a range of views to be considered at an early stage. This preliminary consultation would be a short document which sets out what the Council's broad plans are for the area and seek opinions on what an SPD should focus on. This consultation could be launched in spring 2020. It may also be beneficial to hold specific consultation events early in the process, where interested parties and stakeholders can engage with Council officers directly.

3.20 The results of this preliminary consultation would inform the preparation of a draft SPD which would then be subject to further consultation (for six weeks). Specific consultation events could be held to provide opportunity for interested parties and stakeholders to give their views. Prior to public consultation on a draft document, it will be necessary to consult with key stakeholders to determine whether the document is likely to have any environmental impacts and would therefore require further assessment. Officers consider that draft SPDs could be consulted on in late 2020, although this is dependent on obtaining the necessary member approvals.

3.21 Following consultation on the draft document, the Council must consider all comments received before deciding whether to proceed with formal adoption. This would be a decision for the Council's Executive. Based on consultation on draft SPDs in late 2020, a likely adoption date would be spring 2021.

- 3.22 Project management arrangements will be put in place to bring the SPD forward; this will include appointing a Project Board who will review iterations of the document and track progress in accordance with the project programme.
- 3.23 Whilst this work will be primarily delivered by existing Council resources, it is possible that some consultancy will be required to provide specialist advice on urban design issues. This is not a specialism for which the Council currently has as an internal resource. It is therefore recommended that the Executive agree to allocate up to £50k from the Growth Fund for this purpose. Allocating a budget at the beginning of the project will prevent any further delay arising out of the need to request funding on a piecemeal basis as the project progresses. Taking consultancy advice on the supplementary planning guidance would also reduce the need for urban design advice on individual planning applications received in relation to the town centres. Any funding not used for this purpose will be returned to the Growth Fund. Any appointment of consultancy will be carried out and authorised in accordance with the Council's Contract Procedure Rules.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 Town centres serve communities and inclusive design and planning is essential to support cohesion and access for all. The SPDs will be a tool for ensuring that town centres work for the communities that they serve, including provision of opportunities for children and vulnerable adults to participate in public spaces.
- 4.2 The consultative process will specifically seek views from a range of audiences including children and vulnerable adults.

5. POLICY IMPLICATIONS

- 5.1 The proposals support the delivery of the Council's Building a Better Bromley objectives for Vibrant Thriving Town Centres and Regeneration.
- 5.2 The Transforming Bromley Programme objectives are also supported by this project. The introduction of SPDs for town centres will support the delivery of regeneration activities to meet the needs of local residents, and will support improving public realm and promoting economic growth. They will also support the Transformation Programme objectives to explore all options to increase the supply of affordable housing in the borough.
- 5.3 The proposed SPDs would help deliver the aims and objectives of the Bromley Local Plan, particularly helping to realise housing delivery and the development of commercial floor space. The SPDs would also help to positively demonstrate how the Local Plan aligns with the draft new London Plan, which will apply to planning applications in the borough once it is adopted. Lastly, the SPDs will also further the delivery of national policy set out in the NPPF, particularly increasing housing supply and promoting a suitable mix of uses (including housing) in town centres reflecting their distinctive characters.

6. FINANCIAL IMPLICATIONS

- 6.1 Although the production of the SPD is a significant piece of work, at present it is anticipated that this will be delivered through existing resources and no additional staffing needs have been identified.
- 6.2 However, consultancy advice to provide specialist input on urban design issues may be needed once final requirements have been identified following consultation. Therefore funding from the Growth Fund for up to £50k is requested. If additional funding is not agreed, the work is still likely to go ahead, but the scope of the work would be impacted by a lack of urban design advice.

7. LEGAL IMPLICATIONS

- 7.1 While the recommendations of this report have no legal implications, any future SPDs which are progressed will be subject to the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and would be subject to public consultation in line these regulations and the Council's Statement of Community Involvement.
- 7.2 Any policies contained in a supplementary planning document must not conflict with the adopted development plan (which includes the Bromley Local Plan and the London Plan). Following consultation and adoption, an SPD will be a material consideration in the determination of all relevant planning applications.

8. PROCUREMENT IMPLICATIONS

- 8.1 In line with paragraph 3.21 of this report, authorisation to proceed to procurement and award a contract of below £50k can be authorised by the Budget Holder in accordance with the Council's Contract Procedure Rules.

Non-Applicable Sections:	Personnel Implications
Background Documents: (Access via Contact Officer)	DRR19/020 – Town Centres Development Programme Update DRR19/049 – Town Centres Development Programme Update

Report No.
DRR20/024

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Wednesday 18 March 2020

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

Title: FIRST HOMES CONSULTATION - SUMMARY AND KEY IMPLICATIONS

Contact Officer: Ben Johnson, Head of Planning Policy and Strategy
E-mail: ben.johnson@bromley.gov.uk

Chief Officer: Assistant Director (Planning)

Ward: (All Wards);

1. Reason for report

- 1.1 This report is to update the Committee on the Government's First Homes consultation which was published in February 2020. First Homes are a new type of affordable housing. The consultation seeks views on how First Homes will work, in terms of the design and delivery of the initiative.
-

2. **RECOMMENDATION(S)**

- 2.1 **To note the summary of the First Homes consultation document and its implications for the London Borough of Bromley.**
- 2.2 **To note that the Head of Planning Policy and Strategy, in liaison with Planning, Housing and Regeneration colleagues, will submit the formal London Borough of Bromley response by the consultation deadline of 3 April 2020.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: No impact
-

Corporate Policy

1. Policy Status: New Policy: The consultation seeks views on a new form of affordable housing which is likely to be legislated for or become national planning policy in future.
 2. BBB Priority: Regeneration
-

Financial

1. Cost of proposal: Not Applicable
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Planning Strategy and Projects
 4. Total current budget for this head: ££0.596m
 5. Source of funding: Existing revenue budget 2019/20
-

Personnel

1. Number of staff (current and additional): 10 FTE
 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? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

Summary of proposals

- 3.1 The government launched a consultation on First Homes in February 2020. First Homes is a form of affordable housing known as Discounted Market Sale (DMS). DMS is defined in the National Planning Policy Framework (NPPF) as housing that is “sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.”
- 3.2 The level of discount for First Homes will be at least 30%. The consultation document recognises that this may not be sufficient to ensure affordability in places such as London and the South East, and notes that local authorities would be expected to “seriously consider” setting higher local discounts to address this issue.
- 3.3 The consultation seeks views on how First Homes will work, in terms of the design and delivery of the initiative.
- 3.4 The government intends to prioritise First Homes for local people. Eligible buyers could be local first-time buyers, key workers or military personnel and veterans. The discount is to be preserved in perpetuity so homes remain affordable for future eligible buyers.
- 3.5 In terms of securing delivery of First Homes, the consultation seeks views on two possible routes:
 1. A requirement for a set percentage of overall homes on a development proposal would be provided as First Homes; or
 2. A requirement that a set percentage of overall affordable homes agreed through s106 obligations would be First Homes.
- 3.6 The consultation also seeks views on whether such requirements should be enforced through legislation (and hence become legally binding) or through planning policy (which can be determined on a case-by-case basis).
- 3.7 The discounted sale price of the home will last in perpetuity so that future home buyers can access the discounts; the only proposed exception to this is where mortgage lenders take possession in the event of mortgage defaults. According to the consultation document, the government are minded to leave the details of administration of managing the in perpetuity discount and eligibility restrictions to local authorities.
- 3.8 The scheme must not to be used to subsidise the purchase of exceptionally expensive property; to ensure this is managed effectively, the government propose to introduce a national cap on the value of properties available for this scheme before the discount is applied. This could align with the Help to Buy Equity Loan cap of £600,000, although the consultation document notes that a national cap would not prevent local authorities from introducing a more targeted, lower price cap according to local circumstances. Potential regionally varied price caps are also identified as a possible option.
- 3.9 Purchasers of First Homes will be restricted to using them as their sole or primary residence. However, the consultation notes that the government is minded to make allowances for owners of First Homes to move out and let their property for a time-limited period, not exceeding two years, without having to seek permission from the Local Authority.
- 3.10 It is proposed that "local people" should get first refusal on First Homes. The definition of "local people" would be at the discretion of councils and can be based on either residency or work

location, as appropriate. Councils should also consider whether they should use the scheme to prioritise allocations to key workers.

- 3.11 The consultation seeks views on introducing an income cap to provide a clear signal for eligibility, but notes that this could introduce complexity and may not accurately reflect local circumstances.
- 3.12 It is intended that First Homes will be exempt from paying the Community Infrastructure Levy (CIL). The government are also mindful of the impact that CIL can have on the overall proportion of affordable housing and the consultation document notes that will also consider amendments to CIL regulations to ensure that CIL rates in England are not set at a level that would prevent current levels of affordable housing delivered through section 106 obligations from being secured in future.
- 3.13 The consultation proposes amending the NPPF in relation to entry level exception sites, which provide entry-level homes suitable for first-time buyers or the equivalent for those looking to rent. Currently, entry level exception sites are suitable on land not allocated for housing that:
- is adjacent to existing settlements and proportionate in size to them (less than one hectare or 5% of the existing settlement size);
 - would not compromise the protection given to areas or assets of particular importance set out in footnote 6 of the NPPF (which includes Green Belt land); and
 - complies with any local design policies and standards.
- 3.14 The First Homes consultation proposes that such sites should deliver First Homes as the specific affordable housing tenure and would allow a small proportion (not defined in terms of a specific quantum or percentage) of market homes where essential to ensure development is deliverable. The consultation also proposes removing the specific site size restrictions, replacing them with a broader requirement to be proportionate in size to the existing settlement.
- 3.15 The consultation does not propose to extend these changes to rural exception sites.

Key implications

- 3.16 The consultation deadline is 3 April 2020 and it is proposed that the Head of Planning Policy and Strategy, in liaison with Planning, Housing and Regeneration colleagues, will submit the formal London Borough of Bromley response by the consultation deadline, responding to the consultation document and questions. The following paragraphs identify the key implications from an early assessment of the First Homes consultation document. These key implications will form the basis of the formal consultation response, although there may be additional implications identified through further analysis and discussion of the consultation document.
- 3.17 Measures which will assist in realising aspirations of home ownership are welcomed, as a variety of options are needed to positively address the acute affordability issues experienced in the borough, which are raised in the consultation document. However, the proposals as described could have significant negative impacts on the ability of the Council to effectively address defined housing need, particularly through the provision of other types of affordable housing.
- 3.18 A 30% discount is unlikely to improve affordability or access to home ownership in Bromley, especially as it provides no assistance with securing a deposit (something which shared ownership does address). This means that greater levels of discount will be required to make the product meaningful, and as this would be funded from planning obligations, other important obligations could become unviable.

- 3.19 There is a distinct lack of detail in terms of the design and delivery of the initiative; it is concerning that the onus seems to be on local authorities to work this out. The consultation document seems determined to push ahead with the initiative before proper consideration has been given to potential issues with design and delivery, which risks the creation of an ad hoc, reactive process. This is not conducive to good outcomes for homeowners, developers, mortgage lenders or local authorities and creates a real risk of myriad problems manifesting in future.
- 3.20 Development proposals should optimise the use of sites to meet local priorities, and it would be concerning if a mandatory element of First Homes means that there is less scope to deliver our priorities on what is a finite land resource. This would mean that priorities are not met at all; or that additional (and otherwise unnecessary) sites will need to be found to address priorities, which could mean the loss of sites with a specific protected designation.
- 3.21 First Homes could also have a significant impact on the business models of registered providers (RPs) who build and operate affordable housing in the borough. RPs often rely on shared ownership to cross-subsidise provision of other tenures; therefore, not only could First Homes 'cannibalise' the entire intermediate provision on individual schemes, it could limit provision of affordable rented accommodation as well.
- 3.22 In summary, the consultation response, based on these key implications, will:
- Note support for the principle of supporting and expanding home ownership;
 - Recognise the issues raised in the consultation document relating to the acute affordability problems experienced in London;
 - Raise concerns about the impact that First Homes could have on the delivery of other affordable housing tenures;
 - Raise concerns about the lack of detail on the design and delivery of First Homes and the risk that local authorities will need to address these in an ad hoc, reactive manner;
 - Raise concerns about the potential for direct and indirect impacts that First Homes could have on the ability of local authorities to plan for and address local priorities; and
 - Identify other potential implications (positive and negative), such as the impact on Registered Providers ability to deliver affordable housing.

4. POLICY IMPLICATIONS

- 4.1 The proposals consulted on could undermine elements of the Development Plan, particularly policies on affordable housing tenure set out in the Local Plan and draft new London Plan.

5. FINANCIAL IMPLICATIONS

- 5.1 The proposals consulted on could mean a reduction in funding through planning obligations and Community Infrastructure Levy (CIL), including any future borough CIL. A reduction in other affordable housing tenures could have indirect financial implications for the council, if less housing is available to accommodate people in need and this necessitates additional spending on temporary accommodation. The First Homes initiative could require significant local authority resources to implement, particularly in terms of staffing.

6. LEGAL IMPLICATIONS

- 6.1 The legal implications of First Homes are currently uncertain. The consultation document seeks views on whether First Homes should be implemented through legislation or through a change to national policy. The former would be binding on all relevant planning applications and would override provisions in the Local Plan. The latter would allow some scope for local flexibility

although national planning policy would be a strong material consideration in the determination of a planning application.

Non-Applicable Sections:	N/A
Background Documents: (Access via Contact Officer)	Consultation on the design and delivery of First Homes, February 2020 Bromley Local Plan 2019 The London Plan 'Intend to Publish' version, December 2019



Ministry of Housing,
Communities &
Local Government



First Homes

Getting you on the ladder

Backed by HM Government

Consultation on the design and delivery of First Homes

February 2020



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February 2020

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Scope of the consultation

Topic of this consultation:	<p>This consultation seeks views on the First Homes scheme. It covers the following areas:</p> <p>Design</p> <ul style="list-style-type: none"> • Ensuring First Homes are affordable • Eligibility for the First Homes scheme • Supporting the First Homes scheme • Supporting competitive mortgage lending • Restrictions on letting First Homes • Delivering the Armed Forces Covenant <p>Delivery</p> <ul style="list-style-type: none"> • Setting developer contributions for First Homes • Delivery through exception sites • Community Infrastructure Levy exemptions • Equality impacts of the First Homes scheme
Scope of this consultation:	The Ministry of Housing, Communities and Local Government is seeking the views of all interested parties in the proposal, so relevant opinions and evidence can be taken into account when shaping the way forward.
Geographical scope:	These proposals relate to England only.
Impact Assessment:	The purpose of this consultation is to gather evidence and seek views on First Homes. Any policy changes brought forward as a result of the consultation would be subject to appropriate assessment.

Basic Information

To:	This consultation is open to everyone. We are keen to hear from a wide range of interested parties from across the public and private sectors, as well as from the general public.
Body/bodies responsible for the consultation:	This consultation is being run by the Home Ownership Division of the Ministry of Housing, Communities and Local Government.
Duration:	This consultation will last for 8 weeks from Friday 7 February 2020 until Friday 3 April 2020.
Enquiries:	For any enquiries about the consultation please contact FirstHomes@communities.gov.uk
How to respond:	You may respond by completing an online survey at: https://www.gov.uk/government/consultations/first-homes

We strongly encourage responses via the online survey, particularly from organisations with access to online facilities such as Local Authorities, representative bodies and businesses. Consultations on housing and planning policy receive a high level of interest across many sectors. Using the online survey greatly assists our analysis of the responses, enabling more efficient and effective consideration of the issues raised for each question.

We have listened to concerns about the use of online surveys in the past and have made a number of adjustments ahead of this consultation. The online survey will allow respondents to save and return to the survey later; and submit additional information or evidence to support their response to this consultation. Further advice on how to use these new features is available on the home page of the online survey. Should you be unable to respond via the online survey we ask that you complete the pro forma found on the webpage. Additional information or evidence can be provided in addition to your completed pro forma.

Alternatively, you can email your response to the questions in this consultation to FirstHomes@communities.gov.uk

If you are responding in writing, please make it clear which questions you are responding to.

Written responses can be sent to:
First Homes Consultation,
Home Ownership Division, 3rd Floor, Fry Building, 2 Marsham Street, London SW1P 4DF

When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name,
- your position (if applicable),
- the name of the organisation (if applicable),
- an address (including postcode),
- an email address, and
- a contact telephone number

The Case for Change

1. The Government is committed to making the dream of home ownership a reality for everyone and we recognise that for many this simply feels out of reach.
2. We are building more homes of all types, delivering 241,000 last year alone,¹ the highest in over 30 years; and we have committed to delivering at least a million more over this parliament. However, we know further action is needed to support home ownership and ensure that young people today have the same opportunity as their parents and grandparents.
3. That is why we have already introduced Government-backed Help to Buy schemes which have been used nearly 600,000 times to help households into ownership² and we have cut stamp-duty for the majority of first-time buyers, helping over 400,000 people.³ These schemes are working and last year we saw the number of first-time buyers reach an eleven-year high.
4. However, more needs to be done to help people buy their own home in their local area. First Homes will give

people the opportunity to buy a discounted home, rather than be forced to look elsewhere due to rising prices. The scheme will lower deposit and mortgage requirements – saving first-time buyers around £100,000 on the price of an average a property.

5. We will be setting out further steps to help people into home ownership over the coming months.

Affordability

6. Affordability is the biggest barrier to home ownership – and while this is partly due to a shortage of housing supply, low interest rates and high rents have limited the ability for young people to save the deposit they need to buy a home.
7. Over the last 23 years, the average house price in the UK has increased from £58,854 in August 1996 to £235,298 in November 2019, quadrupling the deposit needed to buy.⁴
8. More young people are spending longer renting their home, often paying a higher amount in monthly rent than a monthly mortgage payment would be.⁵ And those that

¹ MHCLG, Housing supply; net additional dwellings, England: 2018-19 (13 December 2019)

² Help to Buy: Equity Loan statistics to 30 June 2019: <https://www.gov.uk/government/statistics/help-to-buy-equity-loan-scheme-statistics-april-2013-to-30-june-2019-england>; Help to Buy: mortgage guarantee statistics to 30 June 2017: <https://www.gov.uk/government/statistics/help-to-buy-mortgage-guarantee-scheme-quarterly-statistics-october-2013-to-30-june-2017>; Help to Buy: ISA statistics to 30 June 2019: <https://www.gov.uk/government/statistics/help-to-buy-isa-scheme-quarterly-statistics-december-2015-to-30-june-2019>

[isa-scheme-quarterly-statistics-december-2015-to-30-june-2019](https://www.gov.uk/government/statistics/help-to-buy-isa-scheme-quarterly-statistics-december-2015-to-30-june-2019)

³ HMRC Quarterly Stamp Duty Land Tax Statistics - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862381/Quarterly SDLT 2019Q4 Main.pdf

⁴ Land Registry UK House Price Index; <http://landregistry.data.gov.uk/app/ukhpi>

⁵ Valuation Office Agency Statistical Release, October 2016 – September 2017; <https://www.gov.uk/government/statistics/private-rental->

can't rent are staying with their parents for longer; unable to start a home and put down roots in their community.

Locality

9. Although a lack of affordability is most acute in London and the South East, it is an issue across the country. High house prices in many areas are forcing young people to move out of the communities where they grew up in order to buy a home. In 1996, 93% of young people would have been able to buy their first home with a mortgage for 4.5 times their salary providing they had a 10% deposit; by 2016 this fell to 61%.⁶ The average home in Penzance in Cornwall now costs £257,808:⁷ nearly nine times the average household's annual full-time income⁸ and therefore unaffordable to many young people.
10. With new homes priced beyond the means of many people, communities have little incentive to support new housing developments in their areas. Yet by contrast, when the benefits to local first-time buyers are clear, local support for development is high: almost 3 in 4 (73%) of people in England support the building of more affordable homes in their local area.⁹

[market-summary-statistics-october-2016-to-september-2017](#) and Office for National Statistics, cited by Money Advice Service;

<https://www.moneyadviceservice.org.uk/blog/how-much-does-the-average-mortgage-cost>

⁶ Institute for Fiscal Studies 'Barriers to Homeownership for Young Adults', Oct 2018;

<https://www.ifs.org.uk/publications/13475>

⁷ As of 30/01/20 <https://www.zoopla.co.uk/house-prices/>

⁸ Median income figures from Office for National Statistics; Provisional Average household income UK: Financial year ending 2019, <https://www.ons.gov.uk/peoplepopulationandcommunity/personalandhouseholdfinances/incomeandwealth/bulle>

Government Action

11. The Government will support people to realise the dream of home ownership. A key strand of this work is ensuring that more new homes are available at a discount to local people who would otherwise struggle to buy a home on the open market. Some housing is already provided in this way, although it remains at a relatively small scale. Referred to as 'Discounted Market Sale Housing',¹⁰ these properties are offered at a discount of at least 20% off open market prices, and eligibility to purchase is determined by local markets and circumstances.
12. Currently we estimate that only about 1,000 of these types of homes are built each year.¹¹ This is nowhere near enough. We believe that this low level of delivery is due to a number of factors including a lack of detail about 'Discounted Market Sale Homes'; a lack of prioritisation in the planning system; and a complex design which can deter developers and mortgage lenders from understanding and engaging with the concept.

[tins/householddisposableincomeandinequality/financialyearending2019provisional](#)

⁹ Shared Ownership Consultation, August 2019; https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/827588/A_New_National_Model_for_Shared_Ownership_discussion_document.pdf

¹⁰ Defined in the National Planning Policy Framework; https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

¹¹ Derived from live tables on social housing sales. table 1, using reasonable assumptions about delivery of other types of housing tenures <https://www.gov.uk/government/statistical-data-sets/live-tables-on-social-housing-sales>

First Homes: Getting you on the ladder

13. We believe that First Homes are a key means of helping local people, especially young first-time buyers, into home ownership and maintaining strong communities. We are committed to developing more homes through our First Homes scheme. This will help widen the range of affordable options for people who are locked out of purchasing homes at the market price. However, we understand that changes need to be made to the way discount market sales schemes operate in order to have the biggest impact.
14. We propose that local people should get first refusal on First Homes sold through this scheme; ensuring they are not priced out of the communities where they live and work. The discounted sale price of the home will also last in perpetuity so that future home buyers can access the discounts and the homes can deliver long-term community benefit.
15. We are assessing the most appropriate means of delivering the scheme and will consider both legislative and non-legislative options to facilitate delivery. We are committed to delivering attractive, affordable First Homes to support more local people on to the property ladder in their area.



Backed by HM Government

Ensuring First Homes are affordable

16. The primary objective of First Homes is to support people who wish to purchase a home in their local area but are unable to afford a property on the open market. The National Planning Policy Framework currently defines discounted market sales homes as those made available at a minimum discount of 20% off full market value.¹² We do not believe that this level of discount is sufficient.
17. We believe that a 30% discount off market price should be the **minimum** level of discount under this scheme.
18. A 30% discount may not, however, be sufficient to ensure First Homes are affordable to local people in areas where affordability is particularly challenging, such as London and the South East. Local Authorities have the discretion to set higher discounts on properties on a site-by-site basis, and we expect them to seriously consider this when determining local discounts.
19. To provide this flexibility, we do not propose setting a maximum level of discount. This will be a matter to be determined through agreement between developers and Local Authorities.
20. For First Homes to encourage local development and deliver long-term benefits for local communities, we intend to ensure the discount is retained on the property in perpetuity – if a purchaser received a 30% discount from the market price when they bought their home, they must sell it for 30% below market price.
21. Discounts in perpetuity will be achieved by placing restrictive covenants on these homes, which will require that the property is sold at the original percentage discount in each subsequent resale. These covenants will be re-established with every new purchaser of the property. When the property is sold, buyers will not be able to secure good title over the property unless the covenants enforcing the discount are met. Conveyancers and mortgage lenders will therefore have a strong interest in enforcing the use of these covenants.
22. The Government is committed to banning the sale of new leasehold houses other than in exceptional circumstances and we do not consider leases necessary to achieve discounts in perpetuity on houses under this scheme. We recognise, however, that flats sold under this scheme will usually be sold as leasehold, as is common practice.
23. An independent valuation of homes sold under the scheme will be

¹² National Planning Policy Framework Annex 2; https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

required to ensure purchasers receive a genuine discount to comparable homes on the open market. We propose that an independent valuation of the First Home property should be undertaken both on the initial sale and on all subsequent resales. The valuation should compare the discounted property price with the value the home would be worth on the open market without any restrictions.

24. The Government is clear this scheme is not to be used to subsidise the purchase of exceptionally expensive property, and to ensure the scheme supports as many people as possible into home ownership, we are minded to introduce a cap on the value of properties available for this scheme **before** the discount is applied. We consider there are options for achieving this and we welcome views on these approaches.

25. One option is to set a single, nationally defined price cap in line with the approach under the existing Help to Buy Equity Loan scheme. This system is simple to understand, however it requires the cap to be set at a high level to ensure First Homes are available in areas of the country with high house prices. The Help to Buy Equity Loan cap is £600,000, which is above the average first-time

buyer newbuild house price in all but three Local Authority areas, and this is the maximum cap we would consider setting. Setting a national cap would not prevent Local Authorities from introducing a more targeted, lower price cap according to local circumstances if they chose to do so.

26. An alternative approach is to set regionally varied price caps. There are choices about how regional caps are designed. We could create a national cap with a higher cap for London. This accommodates higher house prices in the capital but not in areas on the London fringe or in other high-value areas such as Oxford and Cambridge. Introducing more regional caps, like the proposed approach for the future Help to Buy scheme, would ensure caps were more reflective of the local market; however there would still be places within regions which would be more expensive than surrounding areas. This approach could reduce Local Authorities' flexibility to accommodate each area's unique circumstances. Setting price caps at a more targeted geographical level, such as by county or metropolitan area, would help solve the problem of outliers within regions. However, this approach may be too prescriptive and inflexible.

Questions

Q1.

a) Do you agree with a minimum discount of 30% (but with local flexibility to set a higher one)?

b) If not, what should the minimum discount be?

- i. 20%
- ii. 40%
- iii. Other (please specify)

Q2.

a) Should we set a single, nationally defined price cap rather than centrally dictate local/regional price caps?

b) If yes, what is the appropriate level to set this price cap?

- i. £600,000
- ii. £550,000
- iii. £500,000
- iv. £450,000
- v. Other (please specify)

Q3.

a) If you disagree with a national price cap, should central Government set price caps which vary by region instead?

b) If price caps should be set by the Government, what is the best approach to these regional caps?

- i. London and nationwide
- ii. London, London surrounding local authorities, and nationwide
- iii. Separate caps for each of the regions in England
- iv. Separate caps for each county or metropolitan area
- v. Other (please specify)

Q4.

Do you agree that, within any central price caps, Local Authorities should be able to impose their own caps to reflect their local housing market?

Eligibility for the First Homes scheme

27. Local communities are less likely to oppose new home-building programmes when the homes built are affordable for local first-time buyers.¹³
28. In order to support new development, we intend to ensure that local people are prioritised for First Homes.
29. We understand that local circumstances differ and that Local Authorities need the flexibility to be able to meet local needs, so the definition of 'local people' will be at the discretion of the Local Authority and can be based on either residency or work location, as appropriate.
30. It is also essential that restrictions on First Homes do not hamper labour mobility, nor lead to units remaining unsold if eligible buyers cannot be found. We are therefore clear that any prioritisation of local connections should be time-limited to allow for homes to be made available more widely if local buyers cannot be found.
31. We believe it is appropriate to prioritise first-time buyers as this will target First Homes at the people who are most in need of support to access home ownership. As with the local connection tests, it will be important that this does not lead to units remaining unsold; therefore, we propose that this restriction should also fall away if interested buyers cannot be found.
32. However, we also recognise there will be some existing first homeowners or previous homeowners who are currently stuck in unsuitable housing and cannot move because the next step is unaffordable. There may also be some developments which are not suitable for first-time buyers such as specialist older people's housing. We would therefore welcome views on the circumstances in which Local Authorities should allow non-first-time buyers to access First Homes on the same basis as first-time buyers.
33. 'Key workers' (also referred to in the National Planning Policy Framework as 'essential local workers') provide frontline public sector services including health, education and community safety.¹⁴ We understand that sometimes these individuals are unable to afford to buy property in the local areas they serve. We believe that Local Authorities should also consider whether it is appropriate to use the First Homes scheme to also prioritise these workers – including police officers, nurses, and teachers – in their local areas. This is in line with the Government's commitment to deliver infrastructure such as schools and GP surgeries before developments are populated – First Homes offer a real opportunity for local areas to attract the people needed to staff these vital public services.
34. We want to help as many people as possible to access First Homes. This means it is important that these homes are targeted at people who

¹³ Shared Ownership discussion paper, August 2019; https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/827588/A_New_National_Model_for_Shared_Ownership_discussion_document.pdf

¹⁴ As defined by the National Planning Policy Framework; https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPP_F_Feb_2019_revised.pdf

would otherwise struggle to purchase an appropriate home in their local area. The Government is therefore considering setting a household income cap for these homes to provide a clear signal on eligibility. This is a finely balanced decision – such a cap would target the scheme at those who need it most, but we recognise that income caps introduce complexity (for instance for self-employed individuals), and that a single national income cap cannot reflect local circumstances.

35. Even if we implement an income cap, there may still be circumstances where there are more households interested in purchasing these homes than there are homes available within a particular area. In these circumstances it will often be appropriate for Local Authorities to consider applicants' income and assets in more detail, to target these homes at those most in need of support.

Questions

Q5.

Do you agree that Local Authorities are best placed to decide upon the detail of local connection restrictions on First Homes?

Q6.

When should local connection restrictions fall away if a buyer for a First Home cannot be found?

- i. **Less than 3 months**
- ii. **3 - 6 months**
- iii. **Longer than 6 months**
- iv. **Left to Local Authority discretion**

Q7.

In which circumstances should the first-time buyer prioritisation be waived?

Q8.

a) Should there be a national income cap for purchasers of First Homes?

b) If yes, at what level should the cap be set?

c) Do you agree that Local Authorities should have the ability to consider people's income and assets when needed to target First Homes?

Q9:

Are there any other eligibility restrictions which should apply to the First Homes scheme?

Supporting the First Homes scheme

36. Sellers of First Homes will be required to sell at the same level of discount to market price that applied at the initial purchase, and to another eligible First Homes purchaser. This will ensure that the benefit of these homes lasts in perpetuity as discussed above.
37. We also intend that homeowners will be free to make the same kinds of improvements to their home that purchasers of market homes routinely make – for example, new kitchens and bathrooms, extensions and loft conversions (subject to securing planning permission where appropriate). However, homeowners will need to be aware that they may not realise the full value uplift of these improvements due to the need to sell the home at a discount.
38. We are minded to leave the details of administration to Local Authorities. We also anticipate that the need to secure good title to a property will be a strong motivational factor in most buyers' willingness to enter into a restrictive covenant. Local Authorities could

assume these functions themselves as part of their affordable homes provision; or outsource to the private sector, Community Land Trust, or a Housing Association. We welcome views on how we can best support Local Authorities in this process and whether this will lead to any additional costs.

39. We recognise that even with homes prioritised for local first-time buyers and key workers, there may be more people interested in purchasing a First Home than there are homes available under the scheme. In these circumstances it will be important to ensure that decisions about who is prioritised are made in a fair and transparent way, which avoids price inflation through offers and counter-offers. There are a number of approaches that could be used, such as allocating on a first-come, first-served basis or using local eligibility criteria (which could include household income and assets). We would welcome views on the merits of different approaches and the best way to operationalise this both for first and subsequent sales.

Questions

Q10.

a) Are Local Authorities best placed to oversee that discounts on First Homes are offered in perpetuity?

b) If no, why?

Q11.

How can First Homes and oversight of restrictive covenants be managed as part of Local Authorities' existing affordable homes administration service?

Q12.

How could costs to Local Authorities be minimised?

Supporting competitive mortgage lending

40. We know that currently the market for lending on discount market homes is small, partly due to the limited number of homes available and partly due to the variety of different models used. This often means people need relatively high deposits and/or are charged a higher interest rate on mortgages for this type of property. To support the delivery of First Homes, we intend to improve the availability and competitiveness of mortgage finance. We propose to take three steps to address this challenge.

41. Firstly, we know that the diversity of local models for discount market homes is a barrier to effective mortgage lending at present. Therefore, informed by the responses to this consultation, we propose to create a model agreement for First Homes which still allows local discretion where appropriate. This standardised approach will make it

easier for mortgage lenders to move into this sector by reducing the need for them to interpret and then approve a variety of local models.

42. Secondly, we are minded to introduce a “mortgagee protection clause” within the model agreement. This would allow restrictions on the property, including the policy requirement to sell the home at a discount, to be waived if lenders are forced to take possession in the event of a default on mortgage payments. We will seek to ensure that this system cannot be abused. Mortgage defaults are rare, but we recognise that this means a small number of these homes may not remain affordable in perpetuity. We consider this to be a reasonable and necessary compromise in order to maximise the number of people who can afford to purchase First Home properties.

43. Finally, we believe that as First Homes provide a significant discount over market prices, homes purchased under the scheme should not be eligible for support under the Help to Buy Equity Loan programme.

Questions

Q13.

Do you agree that we should develop a standardised First Home model with local discretion in appropriate areas to support mortgage lending?

Q14.

Do you agree that it is appropriate to include a mortgage protection clause to provide additional assurance to lenders?

Restrictions on letting First Homes

44. The First Homes scheme is designed to benefit people who are unable to purchase a property at the market price in their local area. We are clear that properties sold under the scheme should be purchased by people who intend to live in them and not be used as a subsidised investment opportunity. Therefore, purchasers of First Homes will be restricted to using them as their 'sole or primary residence'. This is an established legal test and is used for determining council tax liability.

45. We recognise that there are occasions when people need to spend some time away from their home; perhaps due to work commitments such as a short posting to another location, or to care for family members. In such circumstances it would not be sensible to prevent people from letting out their home. Therefore, we are minded to make allowances for owners of First

Homes to move out and let their property for a time-limited period, not exceeding two years, without having to seek permission from the Local Authority. Lettings periods in excess of two years will be at the discretion of the relevant Local Authority.

46. We do not intend that this restriction will impact on other rights homeowners have, such as the right to let out a room to a lodger, as long as the First Home remains the homeowner's sole or primary residence. In line with normal practice, it will be important for homeowners to ensure any lettings do not breach the terms of the mortgage on their First Home.

47. Where individuals need to let the property for a longer period, we believe that they should be required to make an application to the Local Authority for permission which would be assessed on a case-by-case basis. One circumstance in which it is likely to be appropriate to grant this permission is when householders are in long term residential care.



Questions

Q15.

For how long should people be able to move out of their First Home and let it out (so it is not their main or only residence) without seeking permission from the Local Authority?

- i. Never
- ii. Up to 6 months
- iii. 6- 12 months
- iv. Up to 2 years
- v. Longer than 2 years
- vi. Other (please specify)

Q16.

Under what circumstances should households be able to move out of their First Home and let it for a longer time period? (Tick all that apply)

- i. Short job posting elsewhere
- ii. Deployment elsewhere (Armed Forces)
- iii. Relationship breakdown
- iv. Redundancy
- v. Caring for relative/friend
- vi. Long-term travelling
- vii. Other (please specify)

Delivering the Armed Forces Covenant

48. We recognise the special circumstances of members and veterans of the regular and reserve Armed Forces. The Armed Forces defend our nation with commitment and courage, often at great personal sacrifice. The Government believes that the entire nation has a moral obligation to the members of these services, veterans, and their families. As part of our commitment to the Armed Forces Covenant, we intend to make special allowances for serving members and recent veterans of the

Armed Forces in purchasing First Homes. These will include:

- a. Serving members and recent veterans of the Armed Forces will be taken to have met the local eligibility criteria for any local area under any circumstances;
- b. A serving member of the Armed Forces placed on an assignment more than 50 miles from their home will be able to let out all or part of their property for the duration of that assignment.

Questions

Q17.

Do you agree that serving members and recent veterans of the Armed Forces should be able to purchase a First Home in the location of their choice without having to meet local connections criteria?

Q18.

What is the appropriate length of time after leaving the Armed Forces for which veterans should be eligible for this exemption?

- i. 1 year
- ii. 2 years
- iii. 3-5 years
- iv. Longer than 5 years

Q19.

Are there any other ways we can support members of the Armed Forces and recent veterans in their ability to benefit from the First Homes scheme?

Delivering First Homes

49. This Government is committed to helping people achieve their aspiration of home ownership. Important changes have already been made to the planning system that have focused on delivering more homes in the right places. We are also committed to making the planning system more efficient and will set out our proposals to accelerate the planning system shortly.

50. However, we want to go further to address the specific barriers that aspiring homeowners face. As already set out, for many people this aspiration is not realistic in the current housing market. By delivering the First Homes scheme we can make this aspiration a reality for more people. The planning system is a key tool in

making this happen, but we are also considering options to legislate to ensure delivery.

51. This consultation explores two routes for supporting the delivery of First Homes through the planning system:

- a. To create a new requirement for developers to deliver First Homes alongside market housing, either through changes to planning policy or legislation.
- b. To amend the existing entry-level exception site policy to a First Home exception site policy.

52. In addition, we are minded to amend secondary legislation to exempt First Homes from the Community Infrastructure Levy (CIL).



Setting developer contributions for First Homes

53. Developer contributions are an established method for ensuring that local communities benefit from new development. In 2018-19, around 28,168 affordable homes were delivered through contributions from development via planning obligations under section 106 of the Town and Country Planning Act 1990 (s106).¹⁵ Around 17,800 were for rent – including affordable rent and social rent – and around 10,300 were for affordable home ownership (including shared ownership).

54. To support people to realise the dream of home ownership, the Government wishes to ensure that more developer contributions are used to deliver homes sold at a discount. There are two broad options;

- a. Prescribe that a percentage of affordable homes delivered through section 106 planning obligations should be First Homes; or,
- b. Prescribe that a percentage of **all** units delivered on suitable sites (over 10 units) are to be sold as First Homes.

55. The first option means in some cases Local Authorities may not use section

106 contributions to deliver affordable housing, including First Homes, and there is no legal obligation for them to do so. This may have an impact on the number of First Homes delivered overall and in different regions.

56. A set percentage of all units sold on suitable sites would provide greater assurance of delivery and allow wider section 106 affordable housing delivery to continue. However, this has a risk of impacting on the viability of specific sites (at least in the short term) which could have negative consequences for other developer contributions and/or lead to developments on these sites being delayed.

57. We are clear that it is not our expectation that our First Homes policy will have a negative impact on home building rates.

58. The Government is ambitious in terms of First Homes delivery to reflect the scale of the home ownership challenge faced by people across the country. In 2018-19, just under 40% of section 106 affordable housing units were for affordable home ownership (largely shared ownership). Taking this as a baseline, analysis of potential delivery under different scenarios is set out overleaf. Please note that the percentages shown in the table are illustrative examples only and do not represent any Government intentions at this stage:

¹⁵ Affordable Housing Statistics 2018-19;
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/847217/Live_Table_1000.xlsx

	Percentage of section 106 units required as First Homes		
	40%	60%	80%
First Homes delivered through section 106	8,000	12,000	15,000
First Homes delivered through exception sites	4,000	4,000	4,000
Total First Homes Delivery	12,000	16,000	19,000

59. The capacity to deliver First Homes will likely be affected by a variety of factors including broader economic conditions and the commitment to deliver Infrastructure First. This commitment ensures key infrastructure, including roads, schools and GP surgeries, comes before people move into new homes. This may impact on the delivery of First Homes on some sites. We will consider how best to align the two approaches to maximise delivery of infrastructure and First Homes.

60. The Government recognises the important role of affordable housing and supplying new homes of all affordable tenures, an approach complimented by the provision of Housing Benefit. Affordable homes will help support people into home ownership; reduce the impact of high rents in the private rented sector where people struggle to afford it; and mitigate the risk of homelessness.

61. Currently, affordable homes are provided through two main routes: grant funding through the Government's Affordable Homes Programme and developer contributions via section 106. We are mindful of the trade-off between the level of ambition for First Homes, funded through developer contributions, and the supply of other affordable housing tenures.

62. Since 2016 the Government has provided £9bn through the Affordable Homes Programme; delivering over 250,000 homes across a range of tenures, supporting people alongside generating a high level of additional supply, and contributing to the Government's plan to build 300,000 homes per year. We are committed to renewing this programme so it can continue to support the delivery of hundreds of thousands of affordable and social homes. As part of the design of this renewed programme we will consider the provision of affordable housing in the round, including the mix of tenures delivered through developer contributions, to reflect the Government's priorities and meet the housing needs of local communities across the country.

63. We are conscious that planning policy alone does not always guarantee delivery of homes. Local Planning Authorities must balance all material considerations when considering planning applications, and national policy is only one of these – other factors such as local plans and site viability can mean that national policy requirements for affordable homes are not met. We are clear that we want significant numbers of First Homes to be delivered and are considering legislative options to ensure that this policy cannot be sidestepped. We are, however, supportive of empowering local decision-makers and conscious of reducing discretion to respond to

local circumstances. We welcome views on whether legislation would be appropriate, or whether planning policy changes are sufficient.

64. We will consider appropriate transitional arrangements for implementing whichever policy approach we take forward to minimise the short-term impacts.

Questions

Q20.

Which mechanism is most appropriate to deliver First Homes?

- i. Planning policy through changes to the National Planning Policy Framework and guidance**
- ii. Primary legislation supported by planning policy changes**

Q21.

Which do you think is the most appropriate way to deliver First Homes?

- i. As a percentage of section 106 affordable housing through developer contributions**
- ii. As a percentage of all units delivered on suitable sites**

Q22.

What is the appropriate level of ambition for First Home delivery?

- i. 40% of section 106**
- ii. 60% of section 106**
- iii. 80% of section 106**
- iv. Other (please specify)**



Delivery through exception sites

65. Exception sites provide a streamlined route to releasing appropriate land. They are small sites brought forward outside the local plan to deliver affordable housing. There are two types of exception site set out in the National Planning Policy Framework (NPPF): entry-level exception sites, which apply across the country; and rural exception sites, which are intended to meet identified local needs in rural areas.
66. Both types of exception site can make a key contribution to the delivery of additional affordable homes, particularly where plans are up-to-date and an adequate land supply exists, as land values are likely to be below those for allocated sites. They offer opportunities for developers, landowners, Local Authorities, housing associations or community groups to take the initiative in delivering much-needed homes.
67. The current exception site policies in the National Planning Policy Framework, particularly the rural exception site policy, have played an important role in delivering affordable homes. Exception sites currently deliver around 1,000 units per year, but we believe that they have the potential to deliver many more homes. We are therefore proposing changes that seek to maximise the effectiveness of these policies.
68. We have set out proposals below to help boost delivery of homes on exception sites specifically for First Homes and to enable new land to be brought into the system quickly to meet the urgent need. We are not proposing to make changes to the

existing rural exception site policy but welcome views on what we can do to help encourage more widespread use of this policy.

Entry-level exception sites

69. The revised National Planning Policy Framework, published in July 2018, introduced a new exception site policy aimed at entry-level housing suitable for first-time buyers (or those looking to rent). It is set out at paragraph 71 of the National Planning Policy Framework and makes clear that Local Authorities should support entry-level exception sites unless the need for these homes is already being met. These sites should:
 - a. Comprise entry-level homes providing affordable housing as defined in the National Planning Policy Framework; and
 - b. Be adjacent to existing settlements; proportionate in size to them; not compromise assets or areas of strategic importance; and comply with local design policies.
70. However, so far use of this policy has been limited and there has been a lack of clarity about application. Therefore, we propose to re-focus this policy to use it as a direct delivery vehicle for First Homes. We propose amending this policy and addressing the barriers to its uptake, to increase its scale and scope so that it makes a more substantial contribution to meeting housing needs.
71. We propose amending the existing policy to:
 - a. specify that the affordable homes delivered should be

First Homes for local, first-time buyers;

- b. allow a small proportion of market homes on a site where essential to ensure the development will be deliverable; and
- c. remove the threshold on site size set out in footnote 33 of the National Planning Policy Framework but retain that they should be proportionate in size to the existing settlement.

72. The Government is committed to supporting both additional housing supply and home ownership through our changes to entry-level exception sites. We recognise that there could be rare circumstances where there may not be sufficient demand amongst local people for additional First Homes, leading to viability issues for the entry-level exception site; for instance if a large number of First Homes have already been delivered in the local area. This could run counter to our objective of delivering more homes. For this reason, the Government is considering if there is a case for allowing other forms of affordable housing on entry-level exception sites in specific circumstances. In these circumstances, the Local Authority would have to demonstrate that focusing on First Homes as the sole affordable tenure would make a site unviable.

73. We propose that additional guidance should support these amendments to ensure this policy is utilised effectively across the country. We welcome feedback on other policy amendments or specific issues which could be clarified through guidance that would

increase uptake of entry-level exception sites.

Rural exception sites

74. Rural exception sites are small sites used to provide affordable housing and can already include an element of market housing at the Local Authority's discretion. These sites are explicitly focused on meeting the needs of the local community by accommodating households who are either current residents or who have an existing family or employment connection.

75. In 2017-18, 41 Local Authorities saw development take place on rural exception sites, delivering 790 homes. Cornwall has made extensive use of rural exception sites, delivering almost 180 homes in 2017-18, but this level of delivery has not been matched by other authorities. The Government has supported the delivery of housing in rural exception sites through the Community Housing Fund which funds, for example, Community Land Trusts and Rural Housing Enablers who work to secure affordable housing for local people in rural communities.

76. We are not proposing to adjust the rural exception site policy to directly support the delivery of First Homes. However, recognising that rural exception sites are currently under-used and that in the past stakeholders have asked for further policy clarity, the Government proposes providing further guidance on rural exception sites and on securing affordable housing on them, as well as how the policy sits alongside the policy on entry-level exception sites. We welcome feedback on what support would further encourage use of this policy.

Questions

Q23.

Do you agree with these proposals to amend the entry-level exception site policy to a more focused and ambitious First Homes exception site policy?

Q24.

a) Do you think there are rare circumstances where Local Authorities should have the flexibility to pursue other forms of affordable housing on entry-level exception sites, because otherwise the site would be unviable?

b) If yes, what would be an appropriate approach for Local Authorities to demonstrate the need for flexibility to allow other forms of affordable housing on a specific entry-level exception site?

Q25.

What more could the Government do to encourage the use of the existing rural exception site policy?

Q26.

What further steps could the Government take to boost First Home delivery?



Community Infrastructure Levy exemptions

77. The Community Infrastructure Levy (CIL) is a planning charge that Local Authorities can use to raise revenue from developments to fund the delivery of local infrastructure. This is an important tool alongside section 106 contributions to ensure that Local Authorities can provide the infrastructure needed to support developments.

78. Most affordable housing is currently exempt from the Community Infrastructure Levy. This is due to the fact that when developers provide affordable housing, they are providing homes to meet a social need and will receive lower returns. Charging the Community Infrastructure Levy on these units would reduce developers' ability to provide much needed affordable housing.

79. Currently, Local Authorities can apply discretionary Community Infrastructure Levy relief to homes sold under the 'Discount Market Sale' principle. To do this, the Authority must publish a policy setting out what is required to qualify for this relief, including the criteria governing who is eligible to occupy the homes and how these will be allocated. This could generate considerable variation between Local Authorities as to whether and how reliefs are applied to Discount Market Sale homes.

80. Providing a national exemption in England from the Community Infrastructure Levy for developments providing First Homes according to a national standard would ensure consistency with other affordable tenures (e.g. shared ownership) and provide the certainty needed to support delivery. Therefore, the Government proposes amending the Community Infrastructure Levy regulations to specify that the First Homes element of developments in England will benefit from an exemption from the Community Infrastructure Levy.

81. Given the option to set a policy requirement that a proportion of section 106 homes are delivered as First Homes, the Government is aware that this may affect Local Authority decision-making on the relative balance between the Community Infrastructure Levy and section 106. For instance, Local Authorities may choose to levy more Community Infrastructure Levy for infrastructure at the cost of affordable housing and First Homes. The Government could take steps to address this risk. For example, we could consider amendments to the Community Infrastructure Levy regulations and guidance to ensure that Community Infrastructure Levy rates in England are not set at a level that would prevent current levels of affordable housing delivered through section 106 obligations from being secured in future.

Questions

Q27.

Do you agree that the proposal to exempt First Homes from the Community Infrastructure Levy would increase the delivery of these homes?

Q28.

Do you think the Government should take steps to prevent Community Infrastructure Levy rates being set at a level which would reduce the level of affordable housing delivered through section 106 obligations?



Equality impacts of the First Homes scheme

82. The Equality Act 2010 requires public authorities to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations. It relates specifically to groups with protected characteristics including age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy, and maternity. The central purpose of the First Homes scheme is to open up home ownership to those who are struggling to buy a home including first-time buyers and essential local workers.

83. Contributions under Section 106 of the Town and Country Planning Act 1990 (s106) are used to finance a range of affordable housing, including affordable rent and shared ownership homes. The number of properties which can be delivered by section 106 contributions is restricted by the overall number and size of developments, so increasing the number of First Homes delivered through these means could impact the numbers of homes delivered for other affordable housing tenures.

84. However, increasing contributions through entry-level exception sites will lead to the development of additional First Homes as this land would not otherwise have been used to build housing in the short or medium term. This will increase the development of First Homes while mitigating the impact on provision of other types of affordable housing tenures.

85. Our delivery analysis suggests that a First Homes policy would have a positive impact on both females and

Black, Asian and Minority Ethnic groups. Under some delivery scenarios there could be a negative impact on disabled people and people aged 55 and over. This is because disabled people are more likely to use other affordable housing tenures and because first-time buyers are more likely to be under 55.

86. The Government is determined that the First Homes policy opens up the dream of home ownership to as many people as possible and will explore all avenues to mitigate these equalities risks. As discussed earlier in this document, we are keen to explore circumstances in which the prioritisation for first-time buyers should be waived, which could include age-specific housing for older people, and we welcome further views on how we can mitigate the potential impact on older people.

87. Current planning guidance is clear that Local Authorities should consider the needs of different groups when granting planning permission, including older people and those with disabilities. The First Homes policy should support, rather than counteract, this principle; so Local Authorities will be expected to consider the needs of these groups when granting permission for developments that include First Homes. For instance, Local Authorities will want to ensure First Homes are built which meet the specific needs of people with physical or mental disabilities. We want to empower Local Authorities to take proactive decisions to support this principle and welcome views on how this can be achieved.

Questions

Q29.

a) What equality impacts do you think the First Homes scheme will have on protected groups?

b) What steps can the Government take through other programmes to minimise the impact on protected groups?

Q30.

Do you have any other comments on the First Homes scheme?



About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent and, where relevant, who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation, and the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex A.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).



Annex

Personal data

The following is to explain your rights and give you the information you are entitled to under the Data Protection Act 2018.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gov.uk

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

The Data Protection Act 2018 states that, as a government department, MHCLG may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

3. With whom we will be sharing your personal data

We will not share your personal data with organisations outside of MHCLG without contacting you for your permission first.

4. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for two years from the closure of the consultation

5. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected
- d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

6. The Data you provide directly will be stored by Survey Monkey on their servers in the United States. We have taken all necessary precautions to ensure that your rights in terms of data protection will not be compromised by this

7. Your personal data will not be used for any automated decision making.

8. Your personal data will be stored in a secure government IT system. which will be transferred from Survey Monkey shortly after the consultation closes.

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Report No.
DRR20/023

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

Date: **Wednesday 18 March 2020**

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

Title: **AUTHORITY MONITORING REPORT 2017/18 AND HOUSING
STATISTICAL UPDATE**

Contact Officer: Ben Johnson, Head of Planning Policy and Strategy
E-mail: ben.johnson@bromley.gov.uk

Chief Officer: Assistant Director (Planning)

Ward: (All Wards);

1. Reason for report

- 1.1 This report seeks the Committee's agreement to publish the Council's Authority Monitoring Report (AMR) for the period from 1st April 2017 to 31st March 2018 (2017/18); the document is provided at Appendix 1. The AMR is a statutory requirement and sets out key information about the planning system in the London Borough of Bromley ("the Borough") for 2017/18, and the extent to which the Council's planning policies are being implemented.
-

2. **RECOMMENDATION(S)**

- 2.1 **That Development Control Committee agree the document at Appendix 1 as the Council's Authority Monitoring Report for 2017/18.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: No impact
-

Corporate Policy

1. Policy Status: The 2017/18 AMR monitors the 'Saved' policies of the Unitary Development Plan 2006, which was the extant local planning policy during the period from April 2017 to March 2018.
 2. BBB Priority: Vibrant, Thriving Town Centres Regeneration
-

Financial

1. Cost of proposal: Not Applicable
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Planning Strategy and Projects
 4. Total current budget for this head: £0.596m
 5. Source of funding: Existing revenue budget 2019/20
-

Personnel

1. Number of staff (current and additional): 10 FTE
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory Requirement: Regulation 35 (Part 2) of the Planning and Compulsory Purchase Act 2004 (as amended), and Regulation 34 (Part 8) of the Town and Country Planning (Local Planning) (England) Regulations 2012
 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? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

Authority Monitoring Report

- 3.1 The Authority Monitoring Report (AMR) in the appendix sets out key information about the planning system in the London Borough of Bromley (“the Borough”) for the period 1st April 2017 to 31st March 2018 (2017/18), and the extent to which the Council’s planning policies are being implemented. The AMR monitors the ‘Saved’ policies from the Unitary Development Plan (UDP) 2006 which was the extant planning policy during the monitoring period; this is the last AMR that monitors the UDP, as the next AMR (covering 2018/19) will monitor the Bromley Local Plan which was adopted in January 2019.
- 3.2 The AMR assesses whether development, both approved and implemented, contributes to achieving the spatial strategy of the Borough, and targets set out within the UDP and London Plan. It also reports on the progress of Local Plan preparation and monitors signed s106 agreements for the 2017/18 financial year.
- 3.3 Legislation requires the Council to prepare and publish monitoring reports, analysing how planning document preparation work has progressed against the published timetables and the effects that the implementation of policies may be having on the locality. Monitoring is essential in assessing whether existing planning policies are achieving their objectives.
- 3.4 The report contains data on a range of indicators identified by the Council as outlined in relevant sections of the document. These indicators are intended to measure the effectiveness of the Council’s planning policies in achieving sustainable development. This means meeting the development needs of the Borough whilst achieving a sustainable economy, safeguarding environmental assets, and addressing community needs.
- 3.5 The AMR includes the monitoring of the Government’s increased flexibilities in the planning system and greater permitted development rights, for example, allowing a change of use from office to residential use.

Housing statistical update

- 3.6 The delivery of new housing is one of the key policy requirements which the local planning authority must meet. The AMR details housing completions between 2013/14 and 2017/18. The following statistics provide some context of housing delivery across a longer time period, from 2009/10 to 2019/20 (YTD).
- 3.7 The borough’s housing completions have consistently met relevant housing targets, as shown on figure 1 below; Bromley have delivered less than the housing target on only two FYs between 2009/10 and 2018/19, one of which is 2017/18 (the period covered by the latest AMR). Across the period 2009/10 to 2018/19, housing delivery exceeded the cumulative housing target by 19%. However, as noted in the AMR, the supply of future housing sites is increasingly limited, and continued meeting and exceeding of housing targets will necessitate new sites coming forward. The scale of new sites needed is further amplified by the imminent 20% increase in the borough’s housing target. If a supply of sites cannot be found, then the likely consequence is that the ‘presumption in favour of sustainable development’ will continue to apply for the foreseeable future, which risks certain policies in the Local Plan being undermined on an ad hoc basis and would likely necessitate a review of the Local Plan.

- 3.8 Over the 2009/10 to 2018/19 period, over 8,500 homes have been approved, the majority on small sites¹ of 1-9 units. Annual approvals are shown in figure 2 below.
- 3.9 Figure 3 plots approvals and completions together. Even accounting for a lag in approvals being built out, this suggests that a high level of approvals does not mean subsequent high completion rates. Overall, completions over the period 2009/10 to 2018/19 are 77% of the total units approved over the same period. While there may be a number of approvals which remain extant and could yet come forward to completion, this does suggest that there are potentially suitable sites which are not realising their housing potential.
- 3.10 The lapse rate of approved applications, i.e. applications which do not implement within three years from the grant of planning permission, is generally consistent across the period 2009/10 to 2018/19, ranging from a low of 2.7% to a high of 10.43%, as shown in figure 4. Coupled with the 'gap' between approvals and completions noted shown in figure 3, this suggests that there are a number of sites which have implemented (and therefore cannot lapse) but not built out. The majority of lapsed units, around two-thirds, are on small sites of 1-9 units, which could reflect the likely additional financial constraints experienced by smaller developers. This also suggests that any increased reliance on small sites to meet housing targets could be compromised by such approvals not materialising, and may mean that an increased rate of small sites approvals is needed to realise delivery at a rate envisaged by the draft London Plan.
- 3.11 Figure 5 plots the total number of planning applications (for all uses) received against the number of applications approved (from figure 2). The total number of applications is shown for the purposes of comparing the trend lines against trends of planning approvals. The total number of applications reflects the most common type of applications and does not include pre-apps, applications subsequently withdrawn and AODs, amongst other types of applications. It should be noted that there is also likely to be an element of double counting of certain sites (especially over the entire period) as it could include instances where an application has been refused and subsequently permitted via a separate permission.
- 3.12 Comparing the trend lines shows no discernible pattern, aside from increases in total applications and approvals across 2014/15 to 2016/17. However, the figures vary year on year; 2010/11 saw the rate of approvals running at 57% of total applications, and had the lowest number of applications of any year during the period in question (2009/10 to 2019/20), whereas the rate was 18% in 2017/18 and 2012/13. The 2010/11 figures could be reflective of the recession at the time and the fact that there may have been less speculative (and likely less policy compliant) applications submitted.
- 3.13 Figure 6 shows the amount of affordable housing completed and approved (total figure and broken down into intermediate and social/affordable rented). The percentage of total completions, as a proportion of figure 1, is also shown. Across the period, the level of affordable housing delivery is almost one third of total housing delivery, although the figures for individual years vary wildly, from 8% to 66%. The overall figure for the period is skewed by higher delivery early in the period; between 2015/16 and 2018/19, the four most recent years where full data is available, the average annual delivery is 13%.

¹ The borough's housing target includes a small site component where a small site is defined as any site less than 0.25 hectares.

Figure 1: Bromley housing completions 2009/10 to 2019/20 (YTD)

	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20 (YTD)	Total
Completions (total)	558	755	646	527	702	430	769	922	588	709	371	6977
Small Sites	245	309	385	235	186	171	336	587	375	198	232	3259
Large Sites	313	446	261	292	516	259	433	335	213	511	139	3718
% of housing target delivered	112%	151%	129%	105%	140%	86%	120%	144%	92%	111%	58%	

Figure 2: Bromley housing approvals 2009/10 to 2019/20 (YTD)

	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20 (YTD)	Total
Approvals (total)	691	1418	1045	464	489	1275	785	1112	615	691	861	9446
Small Sites	415	358	377	262	370	628	640	596	442	496	275	4859
Large Sites	276	1060	668	202	119	647	145	516	173	195	586	4587

Figure 3: graph of housing approvals and completions

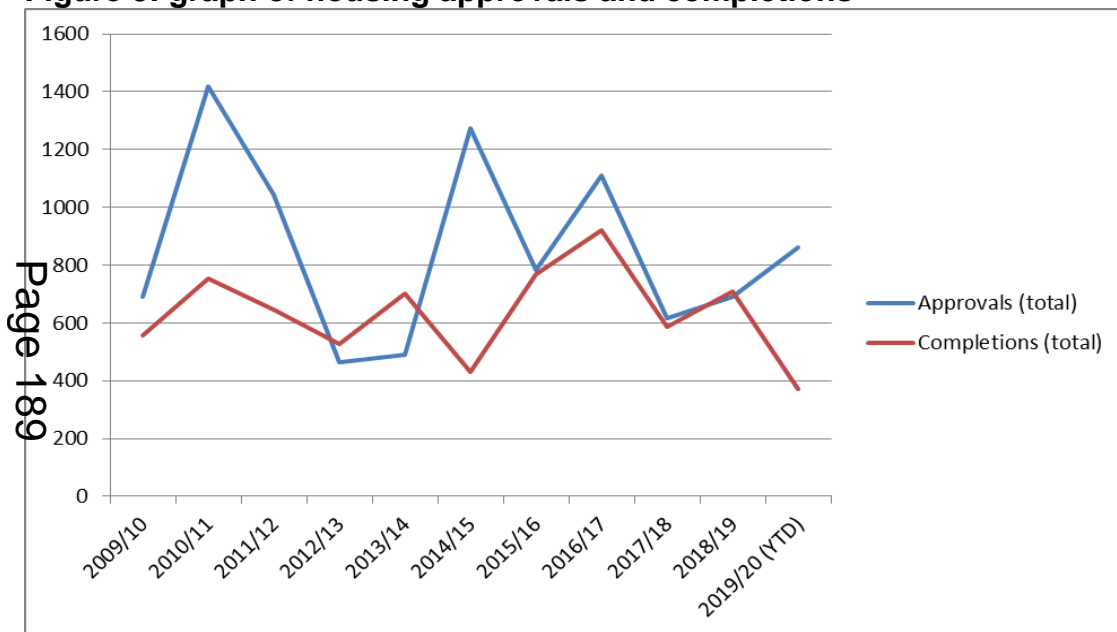


Figure 4: lapsed applications 2009/10 to 2018/19

	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	Total
Lapsed permissions (lapsed in FY)	57	47	51	36	51	57	21	46	33	26	425
% of approvals (figure 2)	8.25%	3.31%	4.88%	7.76%	10.43%	4.47%	2.68%	4.14%	5.37%	3.76%	4.95%

Figure 5: total number of planning applications received against the number of applications approved 2009/10 to 2019/20 (YTD)

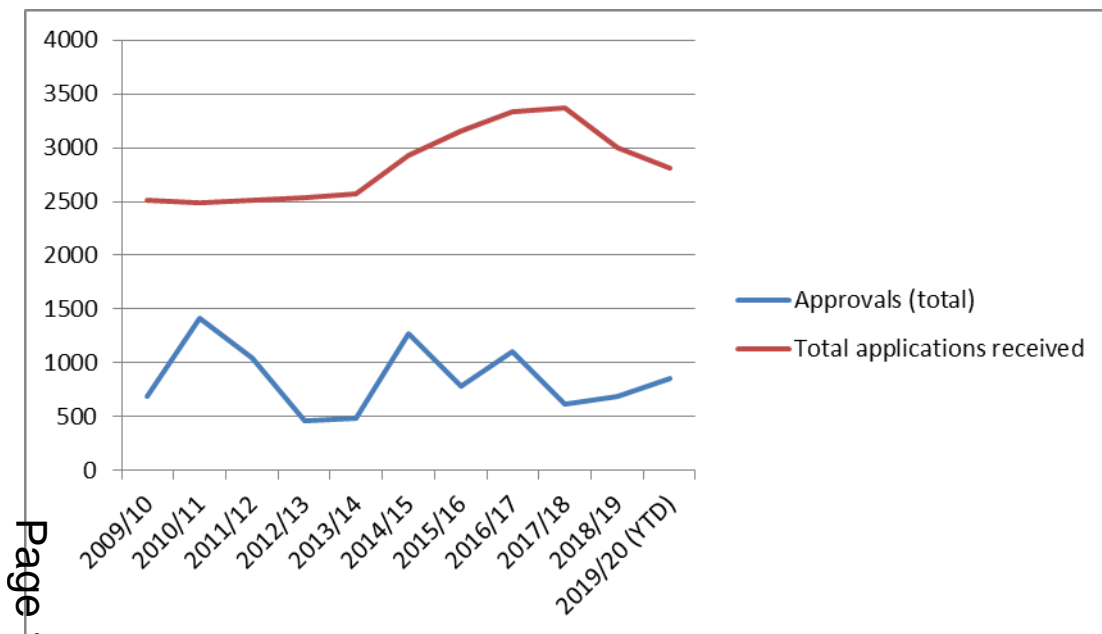


Figure 6: affordable housing approvals and completions 2009/10 to 2019/20 (YTD)

	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20 (YTD)	Total
AH Approvals (total)	211	181	109	59	19	129	13	85	41	63	173	910
<i>Social/affordable rented</i>	25	14	59	38	15	109	5	50	27	45	102	387
<i>Intermediate</i>	186	167	50	21	4	20	8	35	14	18	71	523
AH completions (total)	279	497	357	332	54	204	86	74	88	171	19	2142
<i>Social/affordable rented</i>	137	377	263	228	33	139	73	38	4	41	11	1333
<i>Intermediate</i>	142	120	94	104	21	65	13	36	84	130	8	809
AH % of total housing completions (figure 1)	50%	66%	55%	63%	8%	47%	11%	8%	15%	24%	5%	32%

4. POLICY IMPLICATIONS

- 4.1 The AMR monitors progress against 'saved' policies from the Unitary Development Plan (2006) for Bromley. This is the last AMR that will monitor UDP policies; the next AMR (covering 2018/19) will assess the progress against policies in the Bromley Local Plan, which was adopted on 16 January 2019, during the 2018/19 monitoring year.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications resulting from this report.

6. LEGAL IMPLICATIONS

- 6.1 Under Regulation 35 (Part 2) of the Planning and Compulsory Purchase Act 2004 (as amended), local planning authorities are required to monitor and review the implementation of the Local Development Scheme (LDS) and the extent to which policies set out in the Local Development Documents are being achieved.

Non-Applicable Sections:	N/A
Background Documents: (Access via Contact Officer)	The Planning and Compulsory Purchase Act 2004 The Localism Act 2011 The Town and Country Planning Regulations 2012 Unitary Development Plan (Saved Policies) 2006 Bromley Local Plan 2019



THE LONDON BOROUGH
www.bromley.gov.uk

Authority Monitoring Report

1st April 2017 - 31st March 2018

April 2020

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1.0 Introduction

1.1 The Purpose of the Authority Monitoring Report

The Authority Monitoring Report (AMR) sets out key information about the implementation of planning policies in the London Borough of Bromley (“the Borough”) for the period 1st April 2017 to 31st March 2018 (2017/18). The AMR assesses whether development, both approved and implemented, contributes to achieving the spatial strategy of the Council, and targets set out within the Unitary Development Plan (UDP) and London Plan. It also reports on the progress of Local Plan preparation, the Council’s duty to cooperate, and monitors signed s106 agreements for the 2017/18 financial year.

Data published in this AMR has been taken from two main sources; the London Development Database (LDD)¹ which is maintained by the Greater London Authority (GLA), and from the Council’s internal records relating to planning applications. Where other data sources have been used, acknowledgements can be found underneath the relevant information.

1.2 The Planning Framework

Under Regulation 35 (Part 2) of the Planning and Compulsory Purchase Act 2004 (as amended), local planning authorities are required to monitor and review:

- The implementation of the Local Development Scheme (LDS); and
- The extent to which policies set out in the Local Development Documents are being achieved.

Local authorities are no longer required to submit this information, but are encouraged to provide this information to the public at the earliest opportunities and to ensure that such information is kept up to date.

Regulation 34 (Part 8) of the Town and Country Planning (Local Planning) (England) Regulations 2012 outlines the required content of AMRs including:

- The timetable specified in the local planning authority’s Local Development Scheme for the preparation of Local Plan and Supplementary Planning Documents (**Appendix 3**); and
- Relevant numbers relating to net additional dwellings or net additional affordable dwellings, or any relevant numbers which specifically mentioned in a policy (**Chapter 2**).

¹ LDD is populated using data from local authorities, collated on an annual basis.

1.3 Changes in Legislation

Since the previous AMR (covering 2016/17) was published in April 2018, the following national and London-specific planning legislation, policy, and guidance has been introduced.

The Draft London Plan 2017

A draft London Plan was published for consultation in December 2017. The Draft London Plan 2017 was submitted for examination along with received representations in July 2018. In August 2018, a revised version of the draft London Plan was published that included minor suggested changes, clarifications, corrections and factual updates that was prepared following a review of consultation responses. The Examination in Public (EiP) on the London Plan was held between January and May 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor in October 2019. The Mayor considered the Panel report and recommendations and prepared an Intend to Publish version of the London Plan along with a statement of reasons for any recommendations that the Mayor chose not to accept. This was published on 9th December 2019.

The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018

An extension of permitted development rights covering: the distribution use to residential use; increase of the size limits that apply to permitted development on agricultural land; and the existing right to change use of agricultural buildings to residential use being amended to allow up to a total of five dwelling houses, subject to limitations and conditions. This came into force on 6th April 2018.

Revised National Policy Planning Framework 2019

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England how these should be applied, as well as providing a framework within which locally-prepared plans for housing and other development can be produced. The current version of the NPPF was published in February 2019.

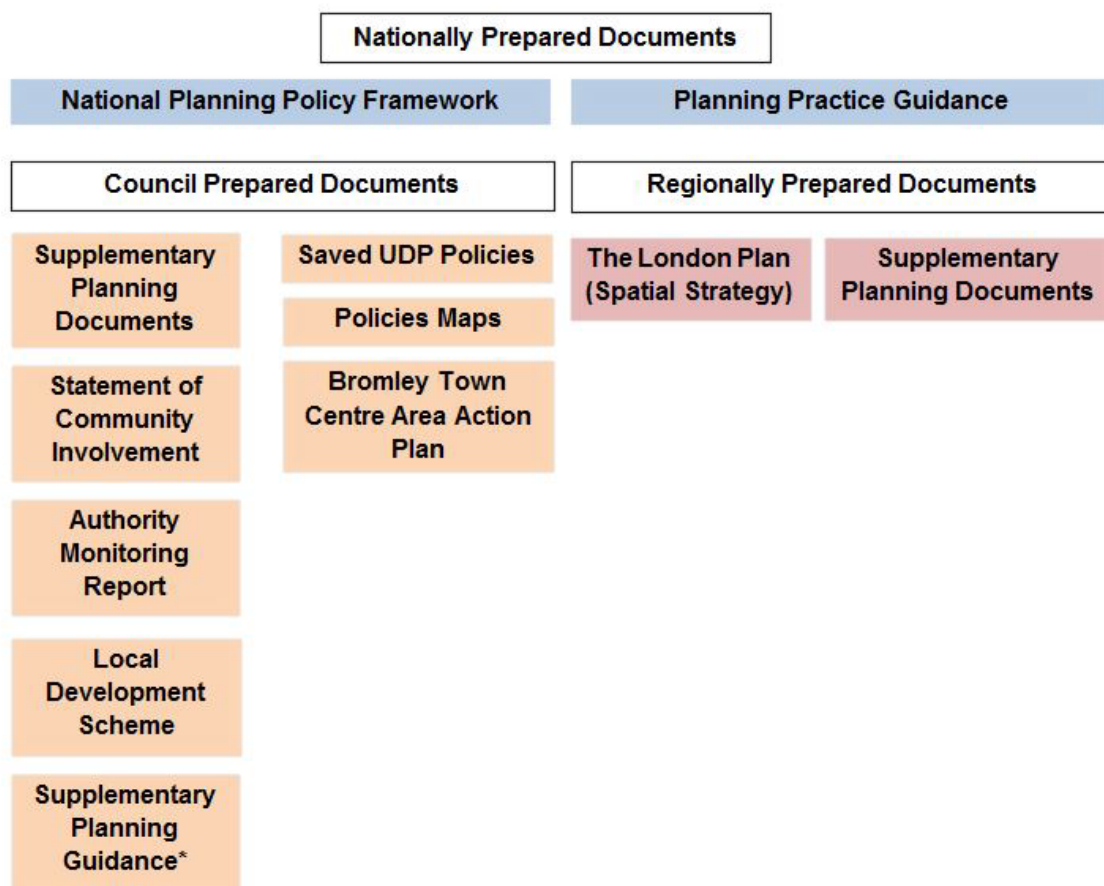
The Housing Delivery Test (HDT) 2018

The HDT was introduced in the revised NPPF and PPG. It is a calculation which measures the number homes delivered against the number of homes required, over a rolling three-year period. The test results will be published annually in November and punitive measures will be applied to authorities that are not delivering, depending on the scale of under-delivery.

1.4 Local Policy Framework

Bromley's policy framework for this AMR, including Development Plan documents, is outlined in Figure 1 below.

Figure 1: Bromley's Policy Framework for the 2017/18 AMR



* The Council's existing supplementary planning guidance (SPG) remained in force while the relevant UDP policies are operational. UDP policies were superseded by the Local Plan upon its adoption in January 2019. This will be discussed in the 2018/19 AMR.

Bromley Council submitted the Bromley Local Plan for independent examination during the monitoring period, in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 and Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

In light of comments raised in the examination hearings and advice from the independent Planning Inspector, the Council prepared a number of suggested Main Modifications which it considered would help make the plan sound. The Main Modifications were approved for consultation by Bromley's Executive on 28 March 2018 and published for consultation between 22 June and 10 August 2018.

The Bromley Local Plan was adopted on 16 January 2019. The Local Plan incorporates parts of the Bromley Town Centre Area Action Plan (AAP) and various Supplementary Planning Documents (SPDs).

The programme for the preparation of the Local Plan was set out in the Local Development Scheme (LDS) published in August 2017. The Local Development Scheme Revised Provisional Timetable can be found in Appendix 3. This reflects the position during the monitoring period, but it is noted that there has been some slippage in these timescales at the time of writing. A revised LDS will be published in 2020 and will be referred to in future AMRs.

1.5 Duty to Cooperate

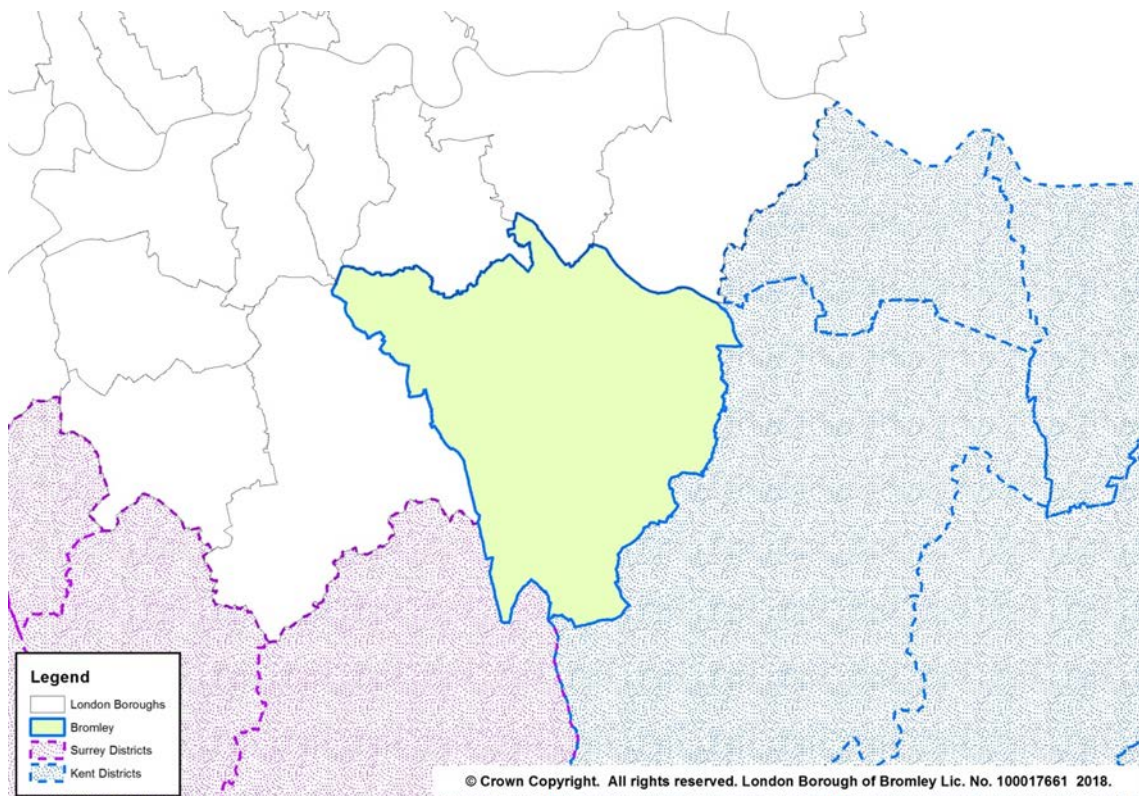
The ‘duty to co-operate’ is a statutory duty for local authorities, which requires local planning authorities to co-operate with other local planning authorities, county councils and bodies or other persons as prescribed when planning for sustainable development. The duty requires on-going, constructive collaboration and active engagement. The prescribed bodies include, but are not limited to, the Environment Agency, Natural England, the Mayor of London (as represented by the Greater London Authority), Transport for London and Highways England.

Throughout the preparation of the Bromley Local Plan and other planning policy documents the Council had been undertaking, and will continue to undertake, a collaborative approach to plan-making that considers a range of issues, including strategic matters.

Bromley is one of the five authorities forming the South East London sub-region. The other four authorities comprise Bexley, Greenwich, Lewisham and Southwark. The group of authorities hold regular meetings to discuss cross borough planning matters and also form the South East London Housing Partnership (SELHP) and South East London Joint Waste Planning Group. The Council also engages with other adjacent boroughs on a regular basis.

Bromley also actively engages with the Greater London Authority through regular duty to co-operate meetings to help achieve a full assessment of issues of cross-borough and London-wide relevance and alignment of strategic objectives and policies.

1.6 Borough Context



Bromley is geographically the largest of the 32 London Boroughs, which, together with the City of London, make up the 33 local planning authorities in London. Covering 64 square miles, Bromley has borders with the London Boroughs of Bexley, Croydon, Greenwich, Lambeth, Lewisham and Southwark; the Surrey district of Tandridge; and the Kent districts of Sevenoaks and Dartford.

The Borough occupies a strategic position in the South East of London and the wider South East England region, with rail connections to Central London and easy access to the M25, the National Rail Network and major South East airports.

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

The 2016-based GLA population estimate² for the London Borough of Bromley is 329,000. Table 1 below shows the change in population since 2001.

Table 1: Bromley's Population

Estimated Population	London Borough of Bromley
Census Data 2001	295,532
Census Data 2011	309,392
GLA Data 2016	329,000
Change 2001-2016	33,468
% Change 2001-2016	10%

These population estimates show that the Borough's population will continue to grow. It is anticipated that by 2031, Bromley's population will rise to 370,369: a 13% increase over fifteen years. The anticipated population increase in the Borough will vary by ward. The GLA ward-led projections most notably estimate that there will be a 39% increase in Bromley Town Centre, 21% increase in Petts Wood and Knoll, and a 17% increase in Kelsey and Eden Park.

The GLA household estimate for Bromley³ in 2016 was 137,971. This signifies a growth of 5% since the 2011 Census. By 2031, it is anticipated that there will be 160,117 households in the Borough, an increase of 16%.

² Greater London Authority, Housing-led population projection (2016-based) Available from: <https://data.london.gov.uk/dataset/projections/>

³ Greater London Authority, Housing-led population projection (2016-based) Available from: <https://data.london.gov.uk/dataset/projections/>

2. Policy Monitoring

2.1 Core Output Indicators

This section summarises the monitoring results of planning policies from the Unitary Development Plan (saved policies) (2008) and several additional local indicators. The following table sets out the indicators that have been used to assess policy performance during 2017/18.

Table 2: Output Indicators

Indicator Number	Indicator	UDP Policy
Housing		
H1	Progress towards the plan period housing target	H1 Housing Supply
H3	Progress towards the plan period affordable housing target	H2 Affordable Housing
H2	Number of Gypsy and Traveller pitches	H6 Gypsies and Travelling Show People
Community Facilities		
C1	Number of applications safeguarding or achieving the provision of services/ facilities of the community	C1 Community Facilities
IMP1	Number of permissions involving the successful negotiation of planning obligations	IMP1 Planning Obligations
Business Development and Town Centres		
BD1	Total amount of employment floorspace on previously developed land by type	
BD3	Vacancy rates in business areas	EMP9 Business Support
BD4	Vacancy rates in town centres	EMP9 Business Support
BD5	Number of permissions for new/improved small business premises	EMP7 Business Support
Environmental Resources		
E1	Number of planning permissions granted contrary to Environment Agency advice on flooding and water quality grounds	ER12 Controlling Development in Flood Risk Areas
W1	Capacity of new waste management facilities by waste planning authority	ER2 Waste Management Facilities
W2	Amount of municipal waste arising and managed by waste planning authority	ER2 Waste Management Facilities
Local Indicators		
H4	Self/Custom Build Register	
BD2	Office to Residential under Permitted Development Rights	
BD8	Number of A1 uses in primary frontages	

2.2 Housing

H1: Plan Period Housing Targets

Housing Completions

In 2017/18, 647 new self-contained dwellings were completed, against a loss of 74 existing self-contained dwellings; this gives a total net increase of 588 self-contained dwellings in the Borough in 2017/18.

In addition, one completed non-self-contained scheme⁴ involves a rear extension to an existing nursing home to provide 20 additional beds. Although the overall net gain from self-contained units and non-self-contained units is 608 units, only self-contained units are counted for the purpose of the AMR indicators H1 and H2. Therefore, the overall housing completion figure for 2017/18 is 588 units

Figure 1: Net new dwellings 2013/14 to 2017/18

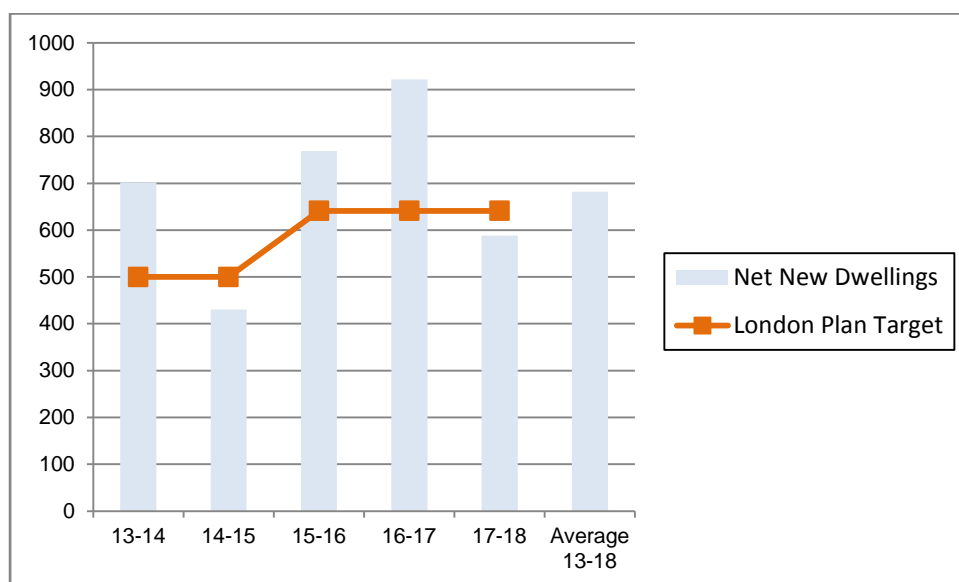


Figure 1 shows the housing completion in the Borough and the London Plan housing targets over the last five years. The net total of 588 housing completions during 2017/18 is the lowest experienced in the last three years, with 285 less units completed than the previous year. However, the five year average figure of 660 units exceeds both the current London Plan target of 641 units per annum and the London Plan average annual target for this period of 585 units per annum.

⁴ Planning ref: 14/04851/FULL1

Small and Large Sites

The distribution of housing sites across the Borough has been broken down into small and large sites.

Small Sites: Sites less than 0.25 hectares in size.

Large Sites: Sites over 0.25 hectares in size.

Figure 2: Housing Completions by size of site 2017/18

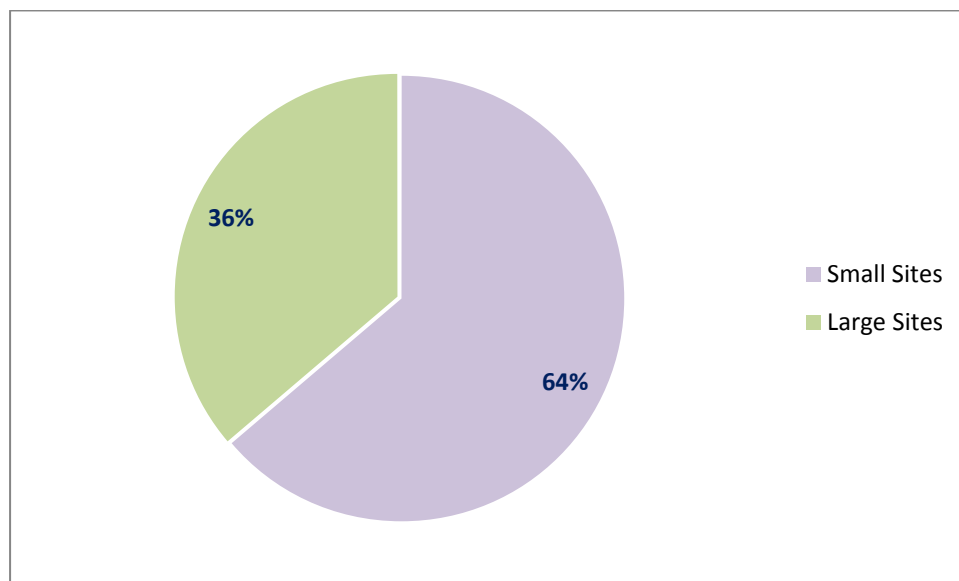


Figure 2 shows that 64% (375 units) of the net housing completions were concentrated on small sites. The remaining 36% (213 units) were distributed across large sites.

Prior Approvals

During 2017/18, approximately 23% (135 units) of the housing completions relate to Prior Approvals. Prior Approvals allow for the conversion of office or retail floorspace to residential use.

Types of New Housing

The provision of new housing should provide a variety in choice of accommodation in order to reflect local need as set out in the South East London Strategic Housing Market Assessment (SHMA) (2014). It was found that Bromley has a “significant under-supply of one-bedroomed units against demand, and an over-supply of larger (3/4 bedroom) units.”

Figure 3: Housing completions by type of dwelling 2017/18

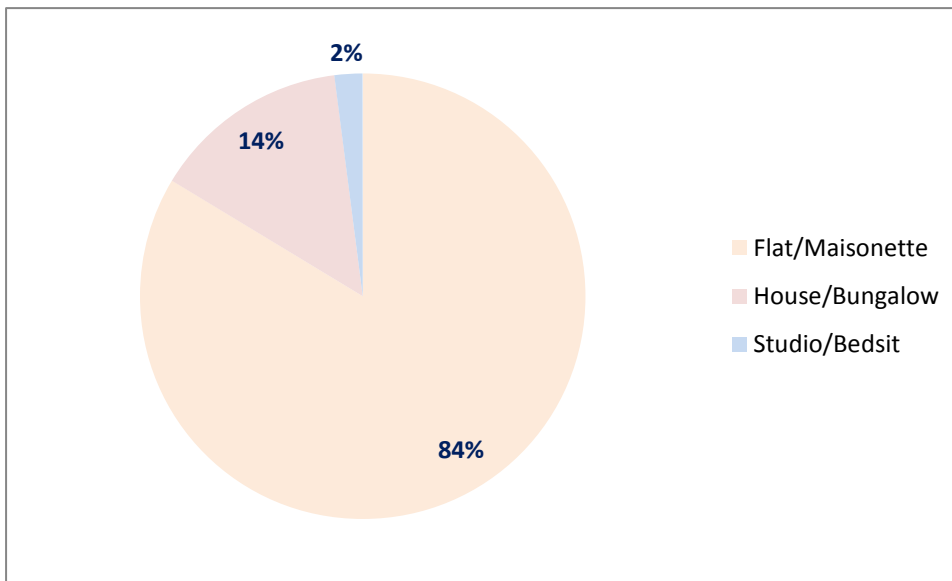


Figure 3 shows that housing completions are predominately (84%) in the form of flats and maisonettes, although houses and bungalows have also made a significant contribution (14%). This reflects local need and continues the trend from 2016/17 whereby 82% of housing completions were flats and 15% were houses. However, 2017/18 has seen an increase in the percentage of flats being built, and a decrease in studio/bedsit accommodation.

Figure 4: Sources of new housing 2017/18

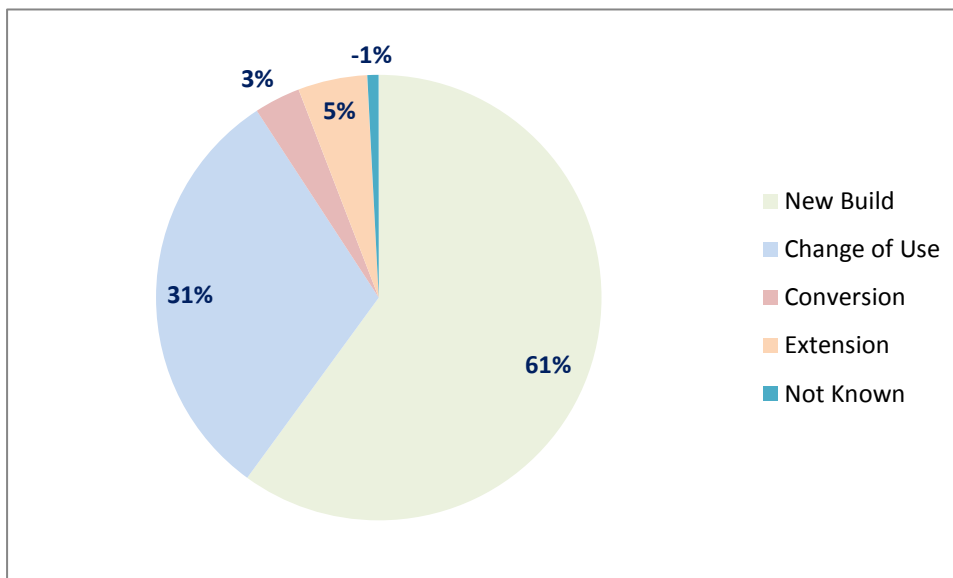


Figure 4 shows that the majority of housing completions (359 units, 61%) came in the form of new builds. This is a reduction of 26 units from the previous monitoring year. There has been a significant decrease in housing

completions as a result of a change of use. In 2016/17, this accounted for 53% of completions (487units), but only 184 units were recorded in 2017/18.

Figure 5: Housing completions by number of bedrooms 2017/18

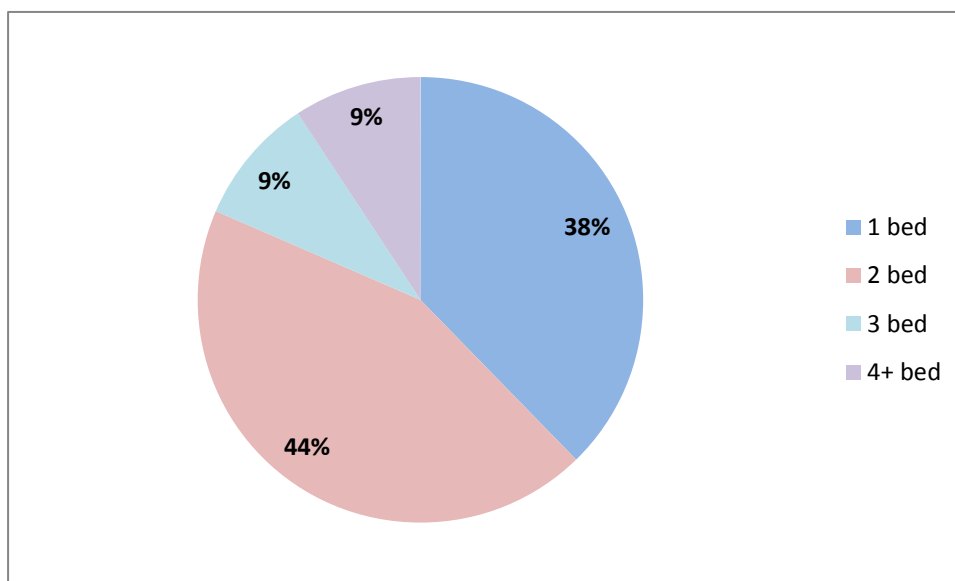


Figure 5 shows the number of housing completions by number of bedrooms in 2017/18. It shows that there has been a variety in unit size. 82% of housing completions have come in the form of 1 and 2 bedroom units, compared to last year's 80%.

H3: Net Affordable Housing Completions

Affordable Housing Completions

Table 3: Number of net affordable homes built, net completions by type, 2013/14 to 2017/18⁵

Year	Total self-contained units completed ⁶	Number of affordable Units completed	Affordable/Soci al		Intermediate		Affordable units as % of total completions
			Number	%	Number	%	
2013/14	702	54	33	61	21	39	8
2014/15	430	204	139	68	65	32	47
2015/16	769	86	73	85	13	15	11
2016/17	922	74	38	51	36	49	8
2017/18	588	88	4	5	84	95	15
Total	3,411	506	287	57	219	43	15
5-year average	682	101	57	56	44	44	

⁵ Greater London Authority, Affordable Housing Starts on Site and Completions (to end of Sept 2019), available from <https://www.london.gov.uk/what-we-do/housing-and-land/increasing-housing-supply/affordable-housing-statistics>

⁶ Taken from Figure 1

Table 3 provides an overview by showing the number of net affordable housing completions, by type, over the last five years.

This data has not been extracted from the LDD, which is the source of most other completions data referenced in this AMR. The GLA have published additional data on affordable housing starts and completions for housing programmes that they are responsible for, from 2012/13 onwards⁷. The data sets out annually the number of starts and completions by borough for units providing Affordable Rent, Social Rent, Intermediate and London Living Rent / Shared Ownership units. The data included only relates to affordable units and records a higher affordable delivery compared to LDD data from the same period. The following sets out potential reasons for differences between the datasets:

- The LDD includes data about schemes in the Borough where planning permission was granted based on securing affordable housing by way of a Section 106 obligation / Unilateral Undertaking. It is based on the information available to the Council on affordable housing provision at the grant of planning permission and therefore may not reflect changes post permission.
- Units recorded as being market units, at the point of granting permission, could later be acquired by registered providers and built out as affordable units. In addition, previously completed market units acquired by registered providers for the GLA housing programme that would not need planning consent for any form of development. This information would not be recorded by the LDD, but as this process would lead to the delivery of an additional affordable unit that contributes to meeting affordable housing need, it is legitimate to include as a source of completions data.

Current Five Year Housing Supply Position

The Council agreed a five year housing land supply paper in April 2019⁸.

An allowed planning appeal at the former Dylon International Premises, Station Approach, Lower Sydenham (decision dated June 2019)⁹ has implications for the current agreed five year housing land supply. The Appeal Inspector concluded that the Local Planning Authority cannot demonstrate a five year housing land supply, having given his view on the deliverability of some Local Plan allocations and large outline planning permissions. The Appeal Inspector's assessment reduced the five year housing land supply to 4.25 years, which is acknowledged as a significant level of undersupply.

⁷ Op cit, see footnote 3

⁸ Available here:

https://www.bromley.gov.uk/download/downloads/id/4952/five_year_supply_of_deliverable_land_for_housing_april_2019.pdf

⁹ Available here: <https://acp.planninginspectorate.gov.uk/ViewDocument.aspx?fileid=33031530>

In accordance with paragraph 11(d) and footnote 7 of the NPPF (February 2019), in the absence of a five year housing land supply the Council should regard Development Plan policies relating to the supply of housing – which would include Local Plan Policy 1: Housing Supply - as being ‘out of date’. Therefore, the ‘presumption in favour of sustainable development’ will apply to applications proposing housing, in accordance with paragraph 11(d) of the NPPF.

The Council is preparing an updated five year housing land supply position, which will consider the Dylon appeal decision referred to above and the revised housing target set out in the draft London Plan.

H2: Gypsy and Traveller Pitches

The London Plan does not set Borough targets but requires in Policy 3.8 that local authorities ensure that the accommodation requirements of gypsies and travellers (including travelling show people) are identified and addressed in line with national policy, and in coordination with neighbouring Boroughs and districts as appropriate.

In 2017/18 there were a total of 50 Gypsy and Traveller Pitches and 31 Travelling Showman Plots with permission in the Borough.

H4: Self/Custom Build Register

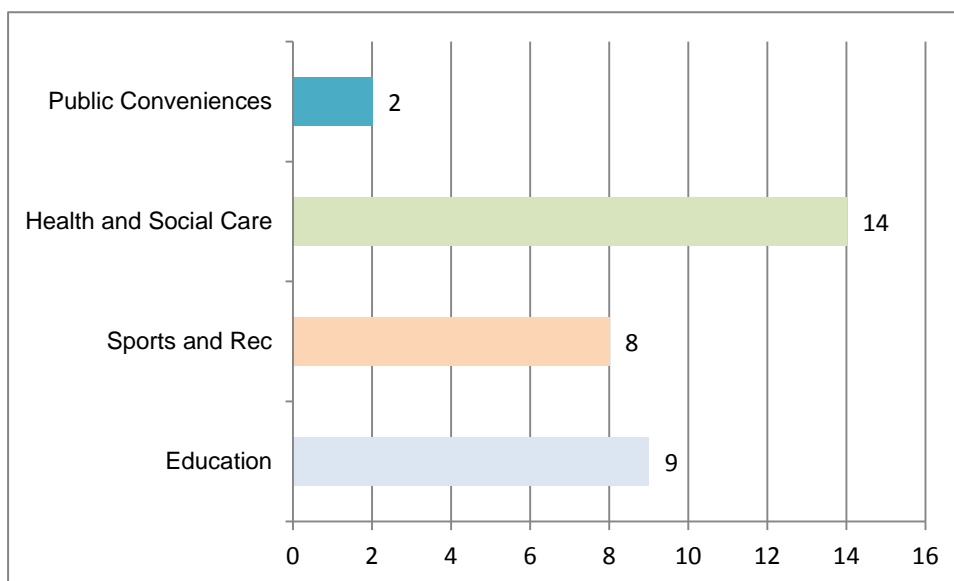
Bromley’s self/custom build register was opened on 31st October 2016. The Council should provide permissions for serviced plots to meet demand arising from the register. Demand is measured by the number of entries on the register in specific base periods, which run from 31st October to 30th October each year. The council has three years from the end of each base period to provide permissions. Between the base period from October 2017 to October 2018 (base period 2), there were 22 self and custom housebuilding registrations.

2.3 Community Facilities

C1: Number of Applications Safeguarding or Achieving the Provision of Services/ Facilities of the Community

In 2017/18, 33 planning applications involved community facilities. For the purpose of this AMR, community facilities have been broken down into five categories.

Figure 6: Number of applications per community facility category



Health and Social Care

42% of all community facility planning applications relate to D Use Classes, and fall within the remit of health and social care. 13 applications were submitted in 2017/18, but only 7 were granted permission.

Main reasons for refusal include: highway safety, the living conditions of neighbouring residents with particular regard to noise and disturbance, the character and appearance of an area, and the application not meeting the identified community need in a way that would outweigh harm caused by loss of residential housing stock.

The breakdown of permissions by type has been outlined below:

Training/Resource Centre	3
Children's Day Nursery	1
Vet	2
Dental Practice	2

Education

9 applications were submitted related to educational use. The continued expansion in education reflects the increasing demand seen over recent years for primary provision, which is now being felt in the secondary sector.

Sports and Recreation

8 applications were submitted in relation to sports and recreation, 6 of which were granted permission.

The reasons for refusal include inappropriate development in the Green Belt and failure to comply with specific conditions, limitations and restrictions specified by Schedule 2, Part 3, Class J and Part W Procedures for Prior Approval of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).

The breakdown of recreation use is outlined below:

Gymnasium	3
Wellbeing Studio	1
Museum	1
Dance Academy	1

Public Conveniences

2 applications were submitted in relation to public conveniences, both of which were refused. These were refused due to being out of character with neighbouring development by reason of its height, massing and site coverage, and there being an unacceptable degree of overlooking and loss of privacy and amenity.

IMP1: Number of Permissions Involving the Successful Negotiation of Planning Obligations

An extract from the Council's s106 register outlining agreements signed between April 2017 and March 2018 can be found at Appendix 1.

2.4 Business Development and Town Centres

BD1: Employment Floorspace on Previously Developed Land by Type

Employment in the Borough is forecast to increase by 22% from 116,000 jobs in 2011 to 138,000 jobs in 2031¹⁰.

Despite some decline of manufacturing employment in the Borough, industry and warehousing remain important elements of the local economy. There is approximately 120 hectares of land in industrial or warehousing use, the majority being concentrated within the Cray Business Corridor, Lower Sydenham, Elmers End, and Biggin Hill.

Table 4: Floorspace Granted Permission on Previously Developed Land¹¹

Employment Use Class	Floorspace Granted Permission (+/-) (sqm) on Previously Developed Land	Floorspace Change (+/-) (sqm) on Previously Developed Land (Net)
B1 (Business)	1,195	-5,012
B2 (General Industrial)	10,354	-3,588
B8 (Storage/Warehousing)	17,121	-1,594

In 2017/18, there were 32 B Use Class permissions (both gains and loss of floorspace). The floorspace granted permission is distributed widely across the Borough.

Based on these permissions, there has been a net loss of floorspace across all B Use Classes. Whilst the loss of a substantial amount of B1 floorspace can be attributed to the conversion of office to residential use under permitted development rights, one scheme approved at Land at Former Grays Farm Production Village (16/05004/FULL1) involves a net loss of 1,700 sqm of B1 floorspace.

Over 50% of the proposed net loss of B2 floorspace comes from two planning permissions (17/01941/FULL1 and 17/05074/FULL1) which involve the change of use of B2 floorspace to B1(a) office floorspace.

In relation to the loss of B8 floorspace in the Borough, an approval at Hassells Nursery, Jackson Road (16/05353/FULL1) involves the loss of 4,000sqm of B8 floorspace. However, a comprehensive development at Klinger Works, Edgington Way (16/05782/FULL1) provides a net gain of approximately 2,000sqm.

¹⁰ 2017 Employment projections for London by borough, available from: <https://data.london.gov.uk/dataset/long-term-labour-market-projections>

¹¹ Approximate. Only permissions exceeding 1000sqm floorspace are required to be uploaded onto LDD.

BD2: Office to Residential under Permitted Development Rights

Permitted Development Rights (PDR) introduced in May 2013 allows premises in Use Class B1(a) office use to change to Use Class C3 residential use, subject to prior approval covering flooding, highways and transport issues, noise, and contamination.

Table 5: Prior Approvals for a change of use from Office to Residential

Granted Approval	2,348sqm
Commenced	48sqm

In total, approximately 52,566sqm of office floorspace has been granted approval since May 2013, proposing a total of 1,023 residential units.

Article 4 Directions

Covering a small proportion of the Bromley Town Centre, Article 4 Directions to remove the permitted development rights came into effect on 1st August 2015 thereby requiring planning permission for change of use from office to residential use. The relevant areas of Bromley South, Bromley North, and London Road are shown on the map in Appendix 4.

Employment Centres

Bromley Town Centre is the main location for the Borough's office-based businesses, with approximately 98,000sqm of floorspace. Along with its surroundings, it is by far the largest centre of employment in the Borough, with nearly 8000 jobs based in this area.

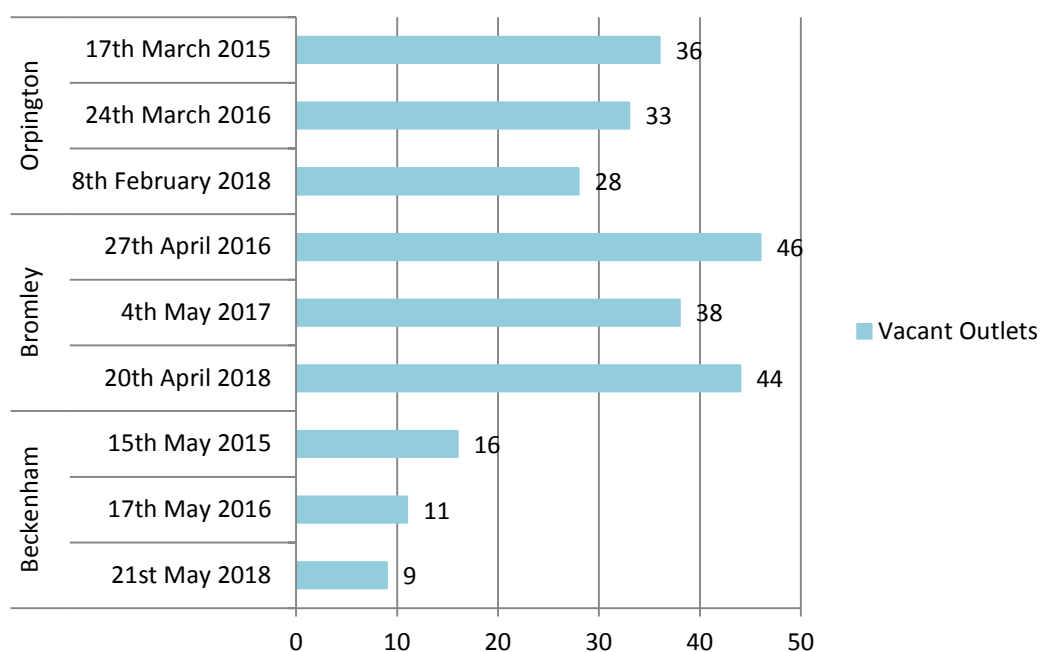
Orpington is also a significant employment and office location, with approximately 19,300sqm of floorspace. It also serves as the Borough's second largest retail centre. Strong and vibrant, it offers a good range of shopping, leisure and public amenities.

The Borough's town centres continue to be important for attracting a wide range of residents and visitors for shopping, leisure, and dining. The shopping hierarchy for the Borough's established centres has evolved over a considerable period of time and is recognised in the London Plan. The centres are classified according to their existing role and function and each performs a different but complementary role. The hierarchy is important in providing a range of services and facilities across the Borough.

Table 6: Bromley's Retail Hierarchy

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

Figure 8: Vacant Outlets in Bromley, Orpington and Beckenham



Source: GOAD

The GOAD 'Centre Reports' show how Bromley's Town Centres have fared in recent years in relation to vacant retail outlets. Orpington and Beckenham have consistently seen a steady decrease in vacant units, in contrast to both Bromley, which has fluctuated between decrease and increase. 2017/18 saw Bromley Town Centre's vacant retail unit figure increase.

Combining this data with recent trends in footfall in Bromley, Orpington, and Beckenham Town Centres may give a better indication of activity on the

Borough's High Streets. Pedestrian flows, or 'footfall,' are key indicators of the vitality of town centres. The Council carries out footfall counts annually.

Table 7: Footfall Counts in Bromley, Orpington and Beckenham (December 2019)

Financial Year	Footfall		
	Bromley	Orpington	Beckenham
2013/14	188,094	42,216	20,730
2014/15	204,216	35,382	28,836
2015/16	234,654	36,726	38,700
2016/17	78,540*	33,426	25,698
2017/18	109,044	24,428	23,478

*carried out over a one day period instead of a two day period as in previous AMRs.

Table 8: Net Retail Floorspace Lost in 2017/18

Use Class	Net Floorspace Lost (sqm)
A1	916

Of 27 applications relating to A1 floorspace, 19 resulted in a net loss. Approximately 620sqm was lost to Change of Use to A3, and 210sqm was lost to Change of Use to B1.

2.5 Natural Environment and Environmental Resources

Approximately 9000 hectares of the Borough is Green Belt, Metropolitan Open Land or Urban Open Space. It is estimated that there is about 4 hectares of publically accessible open space per 1000 people.

Planning permissions on designated land have been calculated excluding permissions for the following:

- Details Pursuant;
- Adverts;
- Conversions (with no new buildings);
- CA Consents;
- Windows;
- Changes of Use;
- Telecoms;
- Temp uses or CV/Mob Homes;
- Fences & Gates;
- Trees;
- Lawful Development Certificate;
- Temp use as carpark;
- EIA Screening;

- Minor Alts to development permitted already; and
- Conditions.

Green Belt

67 planning permissions were in the Green Belt. They mostly relate to side/rear extensions on existing buildings or replacement buildings that do not exceed the existing footprint.

Metropolitan Open Land

11 applications on Metropolitan Open Land were given permission:

Single Storey Side/Rear Extension	4
Alterations to Existing Building	2
Installation of Electric Vehicle Charging Points	2
Conversion of Garage to Habitable Room	1
Construction of Building for D1 Use	1
Construction of Portakabins	1

Urban Open Space

28 applications on Urban Open Space were given permission. Of these, 13 are on education sites for a variety of uses, such as external alterations, single storey extensions, construction of temporary classrooms, and an emergency vehicle access route. 5 are on recreation sites and relate to the construction and extension of buildings for new facilities. The remaining permissions relate mostly to single storey extensions and conversions of garages to habitable rooms.

Environmental Resources

E1: The number of planning permissions granted contrary to Environment Agency advice

No applications have been granted contrary to EA advice on flooding.

W1: Capacity of new waste management facilities by waste planning authority

No new facilities have been granted or completed within the reporting period.

W2: Amount of municipal waste arising and managed by waste planning authority

Amount of Municipal Waste	
Total municipal waste	145,748
Household waste	118,452
Landfill	25,943
Incineration (waste to energy)	45,000
Dry recycling	30,467
Composting	27,104
Inert waste	65
Recycling rate	49%

Appendix 1: Signed s106 Agreements 2017/18

Appendix 1, which sets out the completed section 106 (s106) agreements for the period 1st April 2017 - 31st March 2018, demonstrates the scale and range of developments granted planning permission.

App No	Address	Applicant	Application	Date	Legal agreement
16/04027	Columbia International Ltd Kangley Bridge Road Lower Sydenham London	Lasticley LTD	Erection of a building comprising 2,323 square metres (Gross Internal Area) for use as a trade only builders merchant with associated parking, servicing, boundary treatment and landscaping.	5 th April 2017	£3,412.37 as compensation for the value of 2 street trees. The financial contribution shall be paid to the Council on or before the commencement date and is Index Linked. No time limit on spend.
16/04271	25 Scotts Road Bromley BR1 3QD	London And Quadrant Housing Trust	Section 106A application to amend the terms of the legal agreement attached to planning permission ref. 13/00905/OUT	13 th April 2017	Deed of Variation to agreement dated 10th June 2014 and attached to application ref. 13/00905/OUT Deletion and replacement of Clauses 2.2 and 10.1. Deletion and replacement of the definitions of "Affordable Housing", "Intermediate Housing", "Nominations Agreement", "Chargee", "Protected Tenant", "Shared Ownership Housing", Paragraph 1.3 and Paragraph 2 within Schedule 2. Deletion of "Chargee's/Mortgagee's Duty" Clauses. Addition of new Paragraph 9 to Schedule 2.
16/03145	South Suburban Co Op Society Balmoral Avenue Beckenham BR3 3RD	Education for the 21 st Century	Outline application for the erection of 2 buildings of two to three storeys comprising 13,508 square metres (Gross External Area) of Class D1 floorspace to provide an 8 form entry plus 6th form school (up to 1,680 pupils) and sports hall, 17,200 square metres for playing fields, 2,190 square metres Multi Use Games Area with community use and associated development including car parking spaces, cycle parking spaces, floodlighting, new pedestrian and	14 th June 2017	Traffic Management Scheme Contribution - £20,000 to be used for the carrying out and completion of a scheme to regulate or assist in the reduction of congestion from motor vehicles within a distance of two miles from the site. Contribution due prior to first occupation. Travel Plan and Travel Plan Co-ordinator – A Travel Plan to be submitted, approved and implemented by the owner to encourage staff and pupils to use alternative means of travel to and from the school prior to first occupation. Travel plan co-ordinator to be approval and appointed prior to occupation of the development.

App No	Address	Applicant	Application	Date	Legal agreement
			vehicular accesses, servicing and storage.		
16/05353	Hasells Nursery Jackson Road Bromley BR2 8NS	Langford Walker Ltd	Demolition of existing commercial buildings and removal of existing parking/hardstanding and construction of 6 x 4 bedroom and 3 x 5 bedroom two storey detached houses with associated widening of the access road, car parking, landscaping, tree and orchard planting.	18 th July 2017	<p>Owner covenants: To use reasonable endeavours to procure at least 10% of the jobs to the construction of the Development are offered to residents of the Ward or to companies based in the Ward.</p> <p>For the duration of the priority period each dwelling shall be reserved, set aside, marketed and made available for disposal solely to qualifying purchasers and their dependents and persons living with them.</p> <p>For the duration of the priority period relating to it no dwelling shall be disposed of for residential purposes other than to a person who at the date of disposal is a qualifying purchaser and persons living with a qualifying purchaser and any estate agents' particulars and marketing information shall make this clear.</p> <p>All of the garages within the development shall be equipped with active electric vehicle charging points.</p> <p>Prior to occupation of any dwelling the owners shall demolish the entirety of the brick latrines to the rear of plot 2 and shall landscape that part of the land on which the building previously stood which is outside the application site in accordance with landscaping details to be submitted to the Council for approval.</p>
16/01360	Home Farm Kemnal Road Chislehurst BR7 6LY	Mr E Ertosun	Detached five bedroom house with residential curtilage	25 th July 2017	Owner covenants not to construct a detached house on Foxbury Manor Land pursuant to the 2004 Planning Permission.
15/04610	North Orpington Pumping Station East Drive Orpington	Fernham Homes Ltd.	Erection of 35 dwellings incorporating 14x3 bed houses, 10x4 bed houses of 2-2.5 storey in height, an apartment block of 2.5 storeys in height comprising 8x2 bed and 3x1 bed flats with associated car parking, landscaping and vehicular access off	31 st August 2017	Education Contribution – Sum of £231,680.22 for the provision of education facilities and/or the improvement of and/or support for existing education facilities at Poverest Primary School or for other education projects for residents of the Council's administrative area in receipt of no more than four other such contributions under the Act.

App No	Address	Applicant	Application	Date	Legal agreement
			Lockesley Drive.		<p>Health Contribution – Sum of £60,200 for the provision of new healthcare and well-being facilities and/or the improvement of and/or support for existing healthcare and well-being facilities at the Eldred Drive Clinic or for other health and well-being projects for residents of the Council's administrative area in receipt of no more than four other such contributions under the Act.</p> <p>Highway Contribution – Sum of £2,000 for the purpose of consultation, advertisement and implementation of waiting restrictions along Lockesley Drive.</p> <p>Contributions due on or before date of first occupation.</p> <p>Affordable Housing – 12 units (5 intermediate and 7 affordable rented (one of which is wheelchair accessible)). No more than 50% of market units to be occupied until affordable housing units have been built. All affordable wheelchair units to be constructed and fully fitted in accordance with SELHP standards as fully accessible units.</p> <p>If contributions have not been spent after 5 years the Council may apply the contributions towards affordable housing. If not spent or ring fenced within 10 years the remaining amount is to be returned.</p>
17/00302	The Haven Springfield Road Sydenham London SE26 6HG	Kitewood Estates Limited	Variation of Condition 2 of permission ref. 15/04319 (granted for 46 residential units and associated works) to allow addition of lift overruns to flat block and alterations to ground levels (Minor Material Amendment)	22 nd September 2017	<p>Deed of Variation to agreement dated 16th Aug 2016 attached to ref. 15/04319/RECON</p> <p>Amendment under clause 1.1 to definition of 'Education Contribution Purpose', 'Healthcare Contribution Purpose', 'Third Application', 'Third Development' and 'Third Permission'. Addition of new sub-clause at clause 10 of the principle agreement.</p>
17/00624	56A Foxgrove Road Beckenham BR3 5DB	McCulloch Homes	Demolition of existing block of 6 flats and garage block and construction of three/four storey block of 18 flats with car parking and landscaping (OUTLINE APPLICATION)	28 th September 2017	<p>Carbon Off-Setting Contribution – Sum of £24,210.00 towards the provision of carbon off-setting projects at Stewart Fleming Primary School or for other projects for residents of the Council's administrative area in receipt of no more than four other such contributions under the Act.</p> <p>Education Contribution – Sum of £42,964.60 towards the</p>

App No	Address	Applicant	Application	Date	Legal agreement
					<p>provision of education facilities and/or improvement of and/or support for existing education facilities at Stewart Fleming Primary School or for other education projects for residents of the Councils administrative area in receipt of no more than four other such contributions under the Act.</p> <p>Healthcare Contribution – Sum of £16,956.00 towards the provision of new healthcare and well-being facilities and/or the improvements of and/or support for existing healthcare and well-being facilities at the Beckenham Beacon Clinic or for other health and well-being projects for residents of the Council's administrative area in receipt of no more than four other such contributions under the Act.</p> <p>Affordable Housing – 6 units (4 affordable rented including 2 wheelchair units and 2 intermediate). No more than 50% of the market units to be occupied until affordable housing are built. All affordable wheelchair units to be constructed and fully fitted in accordance with SELHP standards as fully accessible units.</p> <p>Contributions due on or before date of first occupation. If contributions have not been spent in whole or part within five years of receipt the contribution can be applied to affordable housing.</p> <p>Contribution to be repaid if not spent or ring fenced by 10 years after receipt.</p>
16/05119/ MATAMD	Multistorey Car Park Simpsons Road Shortlands Bromley	Cathedral (Bromley) Limited	Section 73 application for the demolition of existing buildings and redevelopment with mixed use scheme comprising multi-screen cinema, 200 flats, 130 bedroom hotel, Class A3 units (restaurant and cafe) including 1 unit for flexible Class A1 (retail shop), Class A3 (restaurant and cafe) or Class A4 (drinking establishment), basement car parking, associated access arrangements (including bus parking), public realm works and ancillary development. Minor Material Amendment to application	9 th November 2017	<p>See full text of DoV via Public Access under ref 16/05119/MATAMD</p> <ol style="list-style-type: none"> 1. Replace the following Definitions in the original agreement with new wording in the DoV Intermediate Housing Units Shared Ownership Units Wheelchair Units Contribution Wheelchair Units Contribution Purpose Education Contribution Education Contribution Purpose Health Contribution Health Contribution Purpose 2. Delete Schedule 4, para 2.1 3. Replace Schedule of Affordable Housing Accommodation in Sch 5 of the Principal Agreement with the Schedule attached to DoV

App No	Address	Applicant	Application	Date	Legal agreement
			13/01094/MATAMD to include elevational changes, reduction in residents car parking, internal layout changes, amendments to facade and roof detailing, re-alignment of (Core A) rear building line, commercial elevation changes, balcony adjustments and treatment of link bridge.		<p>4. Add the following new paragraphs to the Principal Agreement New Second Schedule, para 7 New Fourth Schedule, para 6 relating to wheelchair contribution New Fourth Schedule, para 6 relating to using the Education and Health contributions for defined Health and Education Contributions Purposes</p> <p>New sub-clause to clause 1o.11 of the Principal Agreement 5. Amend clause 1.1 of the Principal Agreement in reference to Third Application and Third Development and Third permission</p>
17/00990	57 Albemarle Road Beckenham BR3 5HL	McCarthy & Stone Retirement Lifestyles Ltd	Demolition of 57 and 57B Albemarle Road and erection of a part four/five storey detached building consisting of 16 retirement apartments with 19 parking spaces, bin store, cycle store and associated landscaping to relocate cycle store, relocation and enclosure of air source heat pumps, gates adjacent to western boundary, infill of areas under cantilevers on east and west elevations, alterations to windows and doors on all floors, amendment to design of balconies and glazed roof light to front elevation roof slope. Additional alterations to reposition the building and revised materials. (Variation of condition 2 pursuant to permission 14/01637/FULL1)	29 th November 2017	<p>Deed of Variation to agreement dated 28th August 2015 attached to ref. 14/01637/FULL1 replaces several existing clauses including the following:</p> <p>The definition of 'Education Contribution' contained in clause 1.1 of the Original Agreement shall be deleted and replaced with the following –</p> <p>The definition of 'Education Contribution' means the sum of £80,099.95 towards the provision and/or improvement of and/or support for existing education facilities at Clare House School or for other education projects within the Council's administrative area in receipt of no more than four other such contributions under the Act.</p> <p>The definition of 'Health Contribution' contained in clause 1.1 of the Original Agreement shall be deleted and replaced with the following –</p> <p>'Health Contribution' means the sum of £18,670.00 towards the provision of new healthcare and well-being facilities at Eldred Drive Clinic, 25 Eldred Drive, Orpington, BR5 4PE or for other health and well-being projects within the Council's administrative area in receipt of no more than four such contributions under the Act.</p>

App No	Address	Applicant	Application	Date	Legal agreement
16/02613	Land At Junction With South Eden Park Road And Bucknall Way Beckenham	Northern Land Developments Ltd	Residential development comprising of 105 units with a mixture of 4 bedroom houses and one, two and three bedroom apartments together with concierges office and associated basement car parking (OUTLINE APPLICATION)	19 th January 2018	<p>Education contribution - £500,138.05 towards the funding of local schools. 50% on or before commencement date and 50% on or before date of first occupation. SUPERSEDED by agreement dated 12.3.2018</p> <p>Health Contribution- £140,180 towards the provision of coordinated care of patients via integrated health and social care services in the borough. 50%on or before commencement date and 50% on or before date of first occupation. SUPERSEDED by agreement dated 12.3.2018</p> <p>Carbon Offset Contribution – amount of shortfall to be calculated following the approval of reserved matters. 50%on or before commencement date and 50% on or before date of first occupation.</p> <p>Payment of interest on late payment of contributions accrued at daily rate.</p> <p>No repayment date</p>
17/05881	Marqueen House, 215-223 High Street, Beckenham, BR3 1BN	Ironstone UK Ltd	Change of use of first, second and third floors from Class B1 (a) office to Class C3 dwellinghouse to form 18 one bedroom flats (56 day application for prior approval)	7 th March 2018	<p>Car Club Contribution of £2,500 to be paid prior to commencement towards cost of Council providing car club parking space provided that this contribution has not been paid pursuant to either the Provident House Obligation or Ironstone House Obligation</p> <p>CPZ contribution of £5,000 to be paid, prior to commencement, towards cost of any CPZ extension within the vicinity of the Proposed Development provided that this contribution has not been paid pursuant to either the Provident House Obligation or Ironstone House Obligation</p> <p>All contributions to be refunded to the owner if unspent after 5 years.</p> <p>Residents will not be entitled to a parking permit unless they are the holder of a disabled persons badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970.</p>

App No	Address	Applicant	Application	Date	Legal agreement
17/05882	Provident House, 6 - 20 Burrell Row, Beckenham, BR3 1AT	Ironstone UK Ltd	Change of use from Class B1 (a) office to Class C3 dwellinghouses to form 17 one bedroom and 3 two bedroom flats (56 day application for prior approval)	7 th March 2018	<p>Car Club Contribution of £2,500 to be paid prior to commencement towards cost of Council providing car club parking space provided that this contribution has not been paid pursuant to either the Marqueen House Obligation or Ironstone House Obligation</p> <p>CPZ contribution of £5,000 to be paid, prior to commencement, towards cost of any CPZ extension within the vicinity of the Proposed Development provided that this contribution has not been paid pursuant to either the Marqueen House Obligation or Ironstone House Obligation</p> <p>All contributions to be refunded to the owner if unspent after 5 years.</p> <p>Residents will not be entitled to a parking permit unless they are the holder of a disabled persons badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970.</p>
17/05885	Ironstone House, 205 - 213 High Street, Beckenham, BR3 1AH	Ironstone UK Ltd	Change of use of first, second and third floors from Class B1 (a) office to Class C3 dwellinghouses to form 18 one bedroom flats (56 day application for prior approval)	7 th March 2018	<p>Car Club Contribution of £2,500 to be paid prior to commencement towards cost of Council providing car club parking space provided that this contribution has not been paid pursuant to either the Marqueen House Obligation or Provident House Obligation</p> <p>CPZ contribution of £5,000 to be paid, prior to commencement, towards cost of any CPZ extension within the vicinity of the Proposed Development provided that this contribution has not been paid pursuant to either the Marqueen House Obligation or Provident House Obligation</p> <p>All contributions to be refunded to the owner if unspent after 5 years.</p> <p>Residents will not be entitled to a parking permit unless they are the holder of a disabled persons badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970.</p>

App No	Address	Applicant	Application	Date	Legal agreement
17/00757	Land At Junction With South Eden Park Road And Bucknall Way Beckenham	Northern Land Developments Ltd	Residential development comprising 15 four storey townhouses and 52 apartments in three and four storey blocks to provide a total of 67 residential units together with concierges office and basement car parking (OUTLINE APPLICATION).	19 th January 2018	<p>Education contribution - £462,811.72 towards the funding of local schools. 50% on or before commencement date and 50% on or before date of first occupation. SUPERSEDED by agreement dated 12.3.2018</p> <p>Health Contribution- £103,998 towards the provision of coordinated care of patients via integrated health and social care services in the Borough. 50%on or before commencement date and 50% on or before date of first occupation. SUPERSEDED by agreement dated 12.3.2018</p> <p>Carbon Offset Contribution – amount of shortfall to be calculated following the approval of reserved matters. 50%on or before commencement date and 50% on or before date of first occupation.</p> <p>Payment of interest on late payment of contributions accrued at daily rate.</p> <p>No repayment date</p>
16/02613	Land At Junction With South Eden Park Road And Bucknall Way Beckenham	Northern Land Developments Ltd	Residential development comprising of 105 units with a mixture of 4 bedroom houses and one, two and three bedroom apartments together with concierges office and associated basement car parking (OUTLINE APPLICATION)	12 th March 2018	<p>Education contribution - £500,138.05 towards the funding of Marian Vine Primary School expansion and Bishop Justus School extension. 50% on or before commencement date and 50% on or before date of first occupation.</p> <p>Health Contribution- £140,180 towards Bromley Health and Wellbeing Centre at 32 Masons Hill and Dysart Surgery. 50%on or before commencement date and 50% on or before date of first occupation.</p> <p>Index link Health and Education contributions if not paid within 12 months of the date of the Agreement</p> <p>Payment of interest on late payment of contributions accrued</p>

App No	Address	Applicant	Application	Date	Legal agreement
					at daily rate. No repayment date
17/00757	Land At Junction With South Eden Park Road And Bucknall Way Beckenham	Northern Land Developments Ltd	Residential development comprising 15 four storey townhouses and 52 apartments in three and four storey blocks to provide a total of 67 residential units together with concierges office and basement car parking (OUTLINE APPLICATION).	12 th March 2018	Education contribution - £462,811.72 towards the funding of Marian Vine Primary School expansion and Bishop Justus School extension. 50% on or before commencement date and 50% on or before date of first occupation. Health Contribution- £103,998 towards Bromley Health and Wellbeing Centre at 32 Masons Hill and Dysart Surgery. 50%on or before commencement date and 50% on or before date of first occupation. Index link Health and Education contributions if not paid within 12 months of the date of the Agreement Payment of interest on late payment of contributions accrued at daily rate. No repayment date
17/03127	Queen Mary House Manor Park Road Chislehurst BR7 5PY	Your Life Management Services Ltd.	Variation of condition 2 of planning permission 15/05237 granted on 8.12.2016 for the demolition of existing building and erection of three storey building comprising 52 assisted living extra care apartments (37 x 2 bed and 15 x 1 bed) (C2 use) including communal facilities, parking and landscaping to amend the internal layout of the building to provide 2 additional flats (total 54) together with elevational alterations, new windows	20 th March 2018	Deed of Variation to agreement dated 8th December 2016 attached to ref. 15/05237/FULL1 replaces several existing clauses including the following: The definition of 'Health Contribution' contained in clause 1.1 of the Original Agreement shall be deleted and replaced with the following – 'Health Contribution' means the sum of £55,340 to be paid to the Council towards the provision of new healthcare and well-being facilities and/or the improvement of and/or support for existing healthcare and well-beings facilities at Eldred Drive

App No	Address	Applicant	Application	Date	Legal agreement
			and amendment to the design of the balconies and 1 additional car parking space plus proposed tree works.		Clinic, 25 Eldred Drive, Orpington, BR5 4PE, or for other well-being projects in the Council's administrative area in receipt of no more than four other such contributions under the Act.
17/02964	All Saints Catholic School Layhams Road West Wickham BR4 9HN	Pope St. Ltd	Amendment to planning permission ref 13/03743 granted for the demolition of all school buildings, with the exception of the Reception building, and part demolition of the North Stable block, and erection of 48 dwellings comprising 24x4 bed houses, 16x1 bed flats and 8x 2 bed flats and conversion of the stable block into 2x2 bed residential units, together with 108 car parking spaces. Associated landscaping, hardstanding areas, cycle stores and bin stores. Conversion of existing Reception building to 799sqm of office floorspace (Class b1A) together with 8 dedicated car parking spaces and the construction of 2 tennis courts, designated car park. Erection of pavilion and amenity area for community use. Amendments to position of apartment blocks on the site, extension of apartment blocks at lower ground and upper ground floor levels, demolition of north stable block and erection of 2 x 2 bed houses, alterations to proposed housing mix to provide 8x1 and 16x2 bed apartments, 24x4 bed houses and 2x2 bed houses, alterations to windows, doors and internal layout of house types B and C, amendments to car parking, maintenance access to Wickham Court School, removal of pavilion and internal landscaping and footpaths. Discharge of condition 16 (layout of wheelchair units) for application ref 13/03743.	28 th March 2018	<p>School Travel Plan Incentive of £20,000 to be paid within 20 working days of the occupation of the first residential unit towards the liaison with locals school to devise a programme to create or intensify the use of scoot to school walking buses and cycle trains programme.</p> <p>Appointment of a Travel Plan Champion by the developer in consultation with the Council.</p> <p>Travel Pack relating to public transport services and sustainable means of transport.</p> <p>School Incentive contribution to be repaid on demand from owner if unexpended or committed 5 years after the date of payment of the contribution.</p>

Appendix 2: Saved and Expired Policies from the Unitary Development Plan

Saved Policies

Housing

H1	Housing Supply
H2 (Not used in this document)	Affordable Housing
H3	Affordable Housing – payment in lieu
H2 (Previously H4)	Supported Housing
H6	Gypsies and Travelling Show People
H7	Housing Density and Design
H8	Residential Extensions
H9	Side Space
H10	Areas of Special Residential Character
H11	Residential Conversions
H12	Conversion of Non-Residential Buildings to Residential Use
H13	Parking of Commercial Vehicles

Transport

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

Conservation and the Built Environment

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

The Natural Environment

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

Green Belt and Open Space

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

Recreation, Leisure and Tourism

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

Business and Regeneration

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

Town Centres and Shopping

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

Biggin Hill

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

Community Services

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

Environmental Resources

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

Implementation

IMP1	Planning Obligations
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Expired Policies

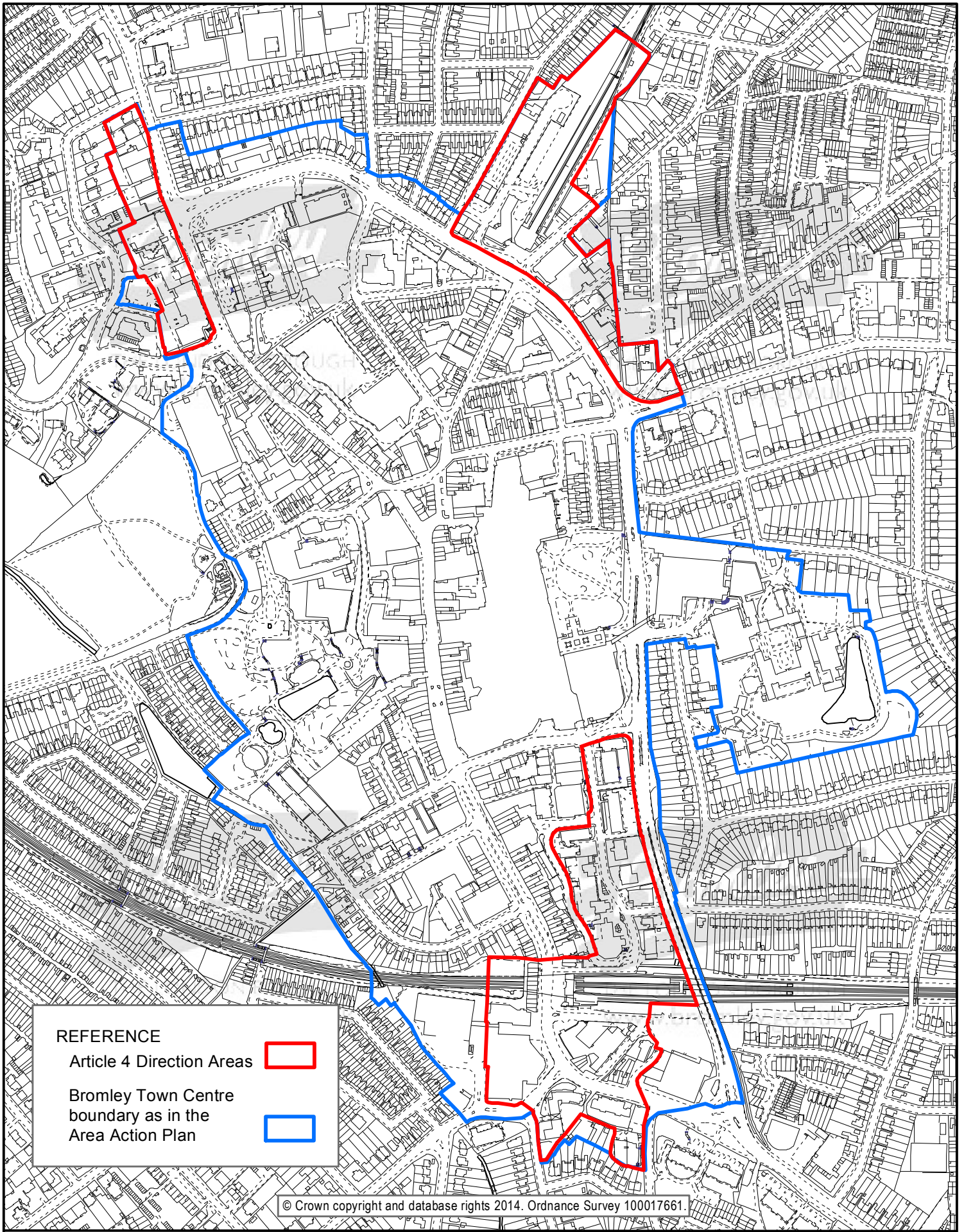
H5	Accessible Housing
BE6	Environmental Improvements
NE10	Hedgerow retention
NE13	Green Corridors
EMP9	Vacant Commercial Sites and Premises
EMP10	Advice for Business
S14	Pedestrian Environment
C3	Access to Buildings for People with disabilities
ER1	Waste Management Principles
ER3	Promoting Recycling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

Appendix 3

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

	2016												2017												2018												2019																																			
	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	July																													
Borough-wide local plan including spatial, strategic, and detailed development policies and site allocations		LG Space Consultation																		S																																																				
Review of Bromley Town Centre Area Action Plan																																																																								
Bromley Preparation of Community Infrastructure Levy Charging Schedule																																																																								
SPD Planning Obligations & Affordable Housing																																																																								

Notes
 S' refers to Submission to the S/S for examination.
 'A' refers to Adoption by the Council.



TOWN PLANNING

**ARTICLE 4 DIRECTION
 CONCERNING
 LAND AT
 BROMLEY TOWN CENTRE.**



JIM KEHOE
 CHIEF PLANNER,
 CIVIC CENTRE, STOCKWELL CLOSE,
 BROMLEY, KENT,
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Scale 1:6,000



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Report No.
DRR00000

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

Date: **Wednesday 18th March 2020**

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

Title: **APPEAL DECISIONS - MAJOR APPLICATIONS**

Contact Officer: Tim Horsman, Assistant Director (Planning)
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Chief Officer: Director of Housing, Planning, Property and Regeneration

Ward: (All Wards);

1. Reason for report

Following the Council being within the criteria for designation in 2019 on the quality of major application decisions, a number of measures have been implemented to help improve this position. One of these measures is to report back to Development Control Committee any major appeals which are allowed by the Planning Inspectorate with a brief summary of the reasons to help inform future decision making.

2. **RECOMMENDATION(S)**

Members are asked to note the report with a view to informing the future determination of major planning applications

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: Excellent Council Quality Environment Vibrant, Thriving Town Centres Regeneration:
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Financial

1. Cost of proposal: Estimated Cost: A successful costs claim accompanied one of the allowed appeals, however the amount is yet to be determined
 2. Ongoing costs: Non-Recurring Cost: Any planning appeal can be accompanied by a claim by the appellant for costs if they consider the Council has behaved unreasonably
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £1.653m
 5. Source of funding: Revenue budget 2019/20 (dependant on amount claimed)
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Personnel

1. Number of staff (current and additional): 66.8FTE
 2. If from existing staff resources, number of staff hours:
-

Legal

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

1. Summary of Procurement Implications: N/A
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Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

- 3.1 The Council was at risk of 'designation' in 2019 in respect of the quality of major application decision making. This was based on the number of allowed major appeals.
- 3.2 Following this a report will be submitted to Development Control Committee for every six month period summarising any major allowed appeals where appeal decisions were received within that period. This report covers the period from 1st September 2019 to 29th February 2020. In that time there have been three major appeals allowed. The appeal decisions are appended to this report.

Appeal Ref: 3235672 (LBB Ref 18/01537/FULL1) – 34 West Common Road, Hayes BR2 7BX

- 3.3 This appeal was against the Council's refusal of planning permission for "Demolition of existing buildings and redevelopment to form 28 sheltered apartments for the elderly, including communal facilities, access, car parking and landscaping." The application was refused at Plans Sub Committee No.3 on 14th February 2019 and was recommended for refusal by Officers.

- 3.4 The Council's reasons for refusal were as follows:

The proposed development by reason of its prominent siting, height, scale, massing, dominant design and excessive degree of site coverage in this prominent location, represents an uncharacteristic punctuation in the streetscene out of character and context to the scale and massing of the existing buildings and general pattern of lesser scale of development in the vicinity harmful to the visual and residential amenities of the area and contrary to Policies 4 and 37 of the Bromley Local Plan (2019) and Policies 7.4 and 7.6 of the London Plan (2016).

- 3.5 Subsequent to the refusal of the appeal scheme, the Council granted planning permission for a smaller proposal. In determining the appeal, the Inspector considered this to be a planning permission for a similar form of development at the site which he regarded as a credible fallback position for the applicant. Although the later scheme was smaller, the Inspector disagreed with the Council's view that the appeal scheme would be more harmful in the streetscene and following a detailed assessment of the impact in the appeal decision, concluded that the proposal was acceptable.

- 3.6 The Inspector also considered that the delivery of housing for older people for which there was a national and local need, carried significant weight.

Appeal Ref: 3233855 (LBB Ref 18/05565/OUT) – Phoenix Lodge, 14A Woodlands Road, Bickley BR1 2AP

- 3.7 This appeal was against the Council's refusal of planning permission for "Demolition of existing dwelling and erection of thirteen apartments with associated access and parking". The application was refused at Plans Sub Committee No. 4 on 20th June 2019 and was recommended for permission by Officers.

- 3.8 The Council's reasons for refusal were as follows:

The proposed development results in an increase in the number of units which would reduce the quality of the accommodation and intensify the activities associated with the development and would result in a cramped, overdevelopment of the site that would impact detrimentally on the special character, appearance and spatial standards of the Bickley Area of Special Residential Character, contrary to Policies 4, 37 and 44 of the Local Plan, Policy 3.5 of the London Plan and paragraph 127 of the National Planning Policy Framework.

- 3.9 Following the refusal of this application, the applicant submitted a new application for 12 units which had been the subject of a resolution to grant planning permission at a subsequent committee, and at that time the applicant had informed the committee that they would withdraw this appeal if permission were granted. Unfortunately there were complications with the s106 legal agreement for the 12 unit scheme, and before the permission could be issued this appeal had been determined. There was unfortunately no way of requiring the applicant to withdraw the appeal and they decided they would not withdraw until the planning permission for the 12 unit scheme was issued. It is to be noted that the applicant could not be bound to this offer.
- 3.10 In this case, as with the first appeal, there was a previously approved scheme for nine flats which were contained within a building of the same design and size as the appeal proposal. The only issue that could be raised therefore was the intensification of the use from 9 to 13 flats.
- 3.11 The Inspector concluded that the size of the site and its well vegetated nature would absorb the intensification of use despite additional vehicle movements, parking and noise and the character of the ASRC would not be harmed. The Inspector also awarded costs against the Council finding that the Council had sought to prevent a development that clearly should have been permitted and failed to adequately substantiate its reason for refusal.

Appeal Ref: 3225672 (LBB Ref 18/02700/FULL1) – Bassetts Day Care Centre, Acorn Way, Orpington BR6 7WF

- 3.12 This appeal was against the Council's refusal of planning permission for "the proposed replacement of consented 3 no. 4 bed houses and 3 no. 5 bed houses (plots 39-40 and 49-52) of application ref. 15/04941/FULL3 and the replacement with two three storey blocks of flats to provide 10 no. one bed units and 12 no. two bed units with 24 associated vehicle spaces and 36 cycle spaces." The application was refused at Plans Sub Committee No.2 on 29th November 2018 and was recommended for permission by Officers.
- 3.13 The Council's reasons for refusal were as follows:

The proposal, by reason of its design, massing and scale, constitutes a cramped overdevelopment of the site, which would be detrimental to the character and spatial standards of the area, contrary to Policies BE1 and H7 of the Unitary Development Plan and Policies 3.5 and 7.4 of the London Plan, and Policy 4 (Housing Design) and Policy 37 (General Design of Development) of the Draft Local Plan.

The proposal would be detrimental to the amenities that the occupiers of neighbouring residential properties might reasonably expect to be able to enjoy by reason of its dominance and visual impact, contrary to Policy BE1 of the Unitary Development Plan, and Policy 37 (General Design of Development) of the Draft Local Plan.

The proposal would undermine the housing mix within this planned development, contrary to Policies BE1 and H7 of the Unitary Development Plan, and Policy 37 (General Design of Development) of the Draft Local Plan.

- 3.14 The Inspector in this case disagreed with the Council's approach to the housing mix, preferring to consider the changes proposed in the context of the entire development site. The Inspector also concluded that he was happy with the tenure across the site.
- 3.15 The Inspector did not see any conflict with the policies regarding design of development and did not see the proposal as an overdevelopment of the site as suggested by the Council nor that the proposal would harm the character of the area. He did not see the changes from the approved scheme as significant.

3.16 The Inspector also did not see any likely harm to the amenities of neighbouring properties.

Conclusions

3.17 In all three cases it is clear that there were previous permissions for similar development at the appeal sites, and the Inspectors in each case gave this more weight than the Council in deciding whether to grant planning permission (albeit the sequence of events for West Common Road was somewhat unusual).

3.18 Where there is only a limited change from a previously approved scheme, it can be difficult to mount a sustainable argument that can survive an appeal. Although it should be noted in the West Common Road case, the permission for the smaller scheme was granted after the refusal of permission for the appeal scheme.

3.19 It is worth noting that the decisions to refuse these applications were taken prior to the Council being at threat of designation and embarking upon its Planning Service Improvements programme which is reported elsewhere on this agenda, and therefore it may be expected that decisions in the future will be positively impacted by the various strands of the improvement programme. There are however some helpful points to be taken from the decisions above, including that committee should be wary of pledges made by developers that may not be enforceable.

4. FINANCIAL IMPLICATIONS

4.1 Major planning appeals can result in extra-ordinary costs for the Council in contesting the appeal, in particular if the appeal procedure is a Public Inquiry. In some cases external consultants are used if there is insufficient in house expertise or resource.

4.2 A successful costs claim accompanied one of the allowed appeals referred to in this report, however the amount is yet to be determined. This will ultimately depend on whether the applicant actually makes a claim following their successful application. Any planning appeal can be accompanied by a claim by the appellant for costs if they consider the Council has behaved unreasonably. A successful costs claim will not always result from an allowed appeal, however it is more likely.

4.3 The cost of any successful claims will be managed in the first instance within existing budgets. However, more significant claims may require additional non-recurring funding from Contingency in the event that this is not possible.

5. PERSONNEL IMPLICATIONS

Major planning appeals can have staff resourcing implications, in particular if the procedure is a Public Inquiry.

Non-Applicable Sections:	IMPACT ON VULNERABLE ADULTS AND CHILDREN POLICY IMPLICATIONS LEGAL IMPLICATIONS PROCUREMENT IMPLICATIONS
Background Documents: (Access via Contact Officer)	

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Appeal Decision

Hearing Held on 4 February 2020

Site visit made on 4 February 2020

by E Symmons BSc (Hons) MSc

an Inspector appointed by the Secretary of State

Decision date: 03 March 2020

Appeal Ref: APP/G5180/W/19/3235672

34 West Common Road, Hayes, Bromley BR2 7BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Renaissance Retirement Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/01537/FULL1, dated 29 March 2018, was refused by notice dated 21 February 2019.
 - The development proposed is Demolition of existing buildings and redevelopment to form 28 sheltered apartments for the elderly, including communal facilities, access, car parking and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing buildings and redevelopment to form 28 sheltered apartments for the elderly including communal facilities; access; car parking and landscaping at 34 West Common Road, Hayes, Bromley BR2 7BX in accordance with the terms of application reference DC/18/01537/FULL1, dated 29 March 2018 subject to conditions set out in the attached schedule.

Procedural Matters

2. The Statement of Common Ground includes a list of plans which the parties consider relevant to the appeal. Plan 5724-03-A-11 Rev A which had not been previously submitted and Plan 5724-03-A-03 Rev D were tabled, discussed and the Council raised no concerns. During the hearing it was agreed that plan 5724-03-A-22 Rev E was unnecessary and should be disregarded in favour of plan 5724-03-A-22 Rev D. Additionally, plans 5724-03-A-103 Rev C; 5724-03-A-110 Rev B; 5724-03-A-111 Rev B; 5724-03-A-112 Rev B; 5724-03-A-120 Rev B and 5724-03-A-121 Rev B and the officer report for a recently granted planning permission for the appeal site reference 19/03215/FULL1, were submitted.
3. The London Borough of Bromley Local Plan 2019 (Local Plan) was recently adopted and Policies 4 and 37 which are most relevant to this appeal are consistent with the National Planning Policy Framework¹ (The Framework) and specifically paragraphs 127, 130 and 192 which seek that proposals are of good design and produce proposals which make a positive contribution to local character.

¹ February 2019.

4. The Council can only demonstrate a 4.25 year housing land supply which falls below the five year supply required. Paragraph 11d, footnote 7 of the Framework states that when this is the case, and as this appeal relates to the provision of housing, the need for the proposal to be considered against paragraph 11d is triggered. However, although the proposal must be determined within the context of paragraph 11d, I consider the Local Plan policies are a material consideration within this decision which carry full weight because they are consistent with the Framework.
5. During the hearing the Appellant drew my attention to paragraph 2.1.55 within the supporting text to Policy 4 of the Local Plan. This states that specialist housing is exempt from housing standards set out in the London Plan. The text however, goes on to say that a satisfactory standard of accommodation should still be expected for specialist housing. Additionally, Policy 37 of the Local Plan requires all development to be of a high standard of design and layout.
6. Within the Statement of Common Ground, Policies 3.10, 3.11 and 3.13 of the London Plan and Policy 2 of the Local Plan were cited as relevant to this appeal. During the hearing it was agreed that these were most relevant to the submitted planning obligation made under Section 106 of the Town and Country Planning Act, as amended. This matter is discussed later.

Main Issues

7. It became clear at the hearing that the second main issue identified on the agenda regarding the effect of the proposal on the residential amenities of the area did not refer to harm to the living conditions of neighbouring occupiers. It related to a concern regarding an impression of enclosure caused by the proposed building. It was agreed that this was relevant to assessment of the proposal's effect upon the character and appearance of the area. The main issues are therefore:
 - the effect of the proposal on the character and appearance of the area, and
 - how the planning balance, involving the benefits and disbenefits of the proposed development, should be assessed.

Reasons

Character and appearance

8. The appeal site has a prominent position on the corner of West Common Road and Ridgeway. This enclosed, redundant industrial site has six disused, single-storey buildings with intervening areas of hard standing and an overgrown garden area adjacent to the northern boundary. One of the buildings presents a blank single-storey side elevation directly on to the back of the West Common Road pavement. As observed during my site visit this wall runs more than halfway along the site boundary and is an obtrusive feature within the streetscape. From Ridgeway the site is set back from the highway being physically and visually separated by an area of grass containing two tall mature trees which partially screen views of the site from this direction.
9. The surrounding neighbourhood has a mixed but residential character. A two-storey, detached dwelling at 32 West Common Road (No 32) sits along the north boundary, and The Knoll, a street of two-storey interwar period dwellings, sits to the rear (west). The appeal site is not read within the context

- of The Knoll due to the intervening and relatively long rear gardens which separate them. To the south of the site, on the opposite side of the West Common Road/Ridgeway junction, is 56 West Common Road (No 56). This, in common with the properties which run south from this corner, is a substantial two-storey semi-detached dwelling.
10. Further north beyond No 32 there are two more modern detached properties, The Priest House and Our Lady of the Rosary Roman Catholic Church. These are set back from the highway behind deep landscaped areas. The building line along West Common Road created by the site and other buildings running northwards towards Baston Road is therefore not distinct. Opposite the site are school playing fields which are bounded along the roadside by a line of mature conifers which significantly filter views west towards the appeal site from this direction. Other mature trees and shrubs in the vicinity in both private gardens and the public realm, give a green and verdant character to the area.
 11. Public views of the proposal would be from either direction along West Common Road and from the west looking along Ridgeway. These views would be limited due to the narrow width of West Common Road at this point and the absence of a pavement along its east side.
 12. In December 2019 planning permission was granted for demolition of existing buildings on the appeal site and redevelopment to form 25 sheltered apartments for the elderly, including communal facilities, access, car parking and landscaping. The officer report for this scheme stated that although its height and scale were considered larger than the existing buildings on the site, the setback was sufficient to allow it to respect the established character of the area and I concur with this view. The approved scheme was discussed at the hearing and it was clear that it represented a credible fallback position which has a greater than theoretical possibility of being implemented.
 13. Site and elevation plans for this fallback scheme show the outline of the appeal scheme as a dotted line. The appeal scheme would have a greater footprint and mass than the fallback due to the presence of a northern arched element (northern wing) and a rear, west extending part of the building. Both features are omitted within the fallback scheme which consequently has a greater separation from both the northern and western site boundaries.
 14. In general design terms, the Council considers that the fallback scheme better respects the built character of the semi-detached dwellings on West Common Road. Computer generated images of the appeal scheme showing oblique views from both the north and the south were submitted. These however, demonstrate that the presence of the proposed projecting bays and recessed elements facing West Common Road, would result in a similar frontage to semi-detached dwellings in the area.
 15. The difference in height between the two schemes was agreed to be less than one metre. Additionally, the appeal scheme would have some points on the east and west elevations which would be lower than that of the approved scheme. I therefore do not consider that the height of the proposal would have significantly greater impact upon the character and appearance of the area than the fallback.
 16. The Council considers that the proposal would result in an overbearing 60 metre long frontage along West Common Road. However, the front building

- line would not be continuous as the northern wing would be set back 15 metres from the highway. The continuous front building line would therefore comprise a 45 metre long frontage which would be similar in scale to the fallback.
17. The relative positions of both the fallback and appeal scheme in relation to No 32 are important. This property is set back 12 metres from West Common Road. The proposed 15 metre setback of the northern wing would situate this part of the proposal behind the front building line of No 32. This relationship is slightly awkward. However, it would be mitigated by the similarity in height between the one and a half-storey northern wing and No 32. Additionally, the lack of a strong building line running north from No 32 towards Baston Road would also mitigate this. In general, the appeal proposal would respect the position, height and mass of No 32 and on balance, the northern wing would not cause significant harm to the character and appearance of the area.
 18. When the site is viewed from the south looking along West Common Road, the current single-storey building is the most prominent feature seen. The proposal would set the building line back around 6 metres from the pavement. This would widen the gap between the site and the school boundary on this narrow section of West Common Road. Although this benefit would be tempered by the two and a half-storey height of the proposal which would be considerably taller than the current building and to some extent visually enclose the additional space, two factors regarding this viewpoint must be considered. Firstly, both schemes would have a very similar scale and appearance from this view. Secondly, both schemes would be partly screened by the two retained trees situated between the building and the highway.
 19. The Council expresses concern that the front building line of the proposal would not respect that of No 56. As observed during my site visit, when viewed from within West Common Road, No 56 is not read within the context of the appeal site. This is due to the position of the appeal site which sits well forward of No 56; to the width of the intervening junction and the presence of trees on both sides of Ridgeway and outside No 56. Additionally, the appeal scheme would follow a broadly similar building line to the acceptable fallback scheme and would not appear unduly incongruous.
 20. Views of the site from around the Ridgeway/West Common Road junction are seen within the context of the relatively long rear gardens of The Knoll. When looking down Ridgeway towards West Common Road, the site is seen against the trees which border the school grounds. The western part of the proposal's frontage along Ridgeway was estimated to be around six metres greater than the fallback. Although the proposal would be relatively close to the rear boundary of the site at this point, this would not be particularly evident from public views as this part of the building would be set back from, and sit at an angle to, Ridgeway and behind the retained trees. Its prominence would therefore be significantly reduced mitigating its impact on the streetscene.
 21. The Council estimates that proposed hard standing and buildings would cover 64% of the site, with insufficient separation from the site boundaries, and this, combined with the proposed density, would lead to a scheme which would be cramped and have a poor layout.
 22. The proposal would have a larger footprint and be closer to the site boundaries than the fallback and have a somewhat greater impact upon the character and appearance of the streetscape. However, for the northern wing this impact

would be mitigated by its subordinate position and scale, its considerable set back from the highway and its respect for the presence of No 32. For the western rear part of the building, which would also be set back from the highway, screened by trees and at an oblique angle to Ridgeway, its impact would also be lessened. Consequently, the proposal would not significantly harm the character and appearance of the area.

23. On balance I consider that notwithstanding the height of the building the six metre set back of the building line along West Common Road, would improve the openness of this narrow part of the road. Introduction of soft landscaping along this boundary would also be an improvement on the current situation. In terms of scale, mass, height and footprint, the proposal would not have a significantly greater effect upon the character and appearance of the area than the fallback scheme.
24. Having regard to all of the above points, I conclude that the proposed development would not have a harmful impact upon the character and appearance of the area. The proposal would therefore not conflict with Policies 4 and 37 of the Local Plan. These policies require development to recognise and complement the qualities of the surrounding area regarding site layout, other buildings and surrounding space, and be of an appropriate scale and proportion, making a positive contribution to the streetscape. Nor is there conflict with Policies 7.4 or 7.6 of the London Plan which require proposals to have regard to architectural quality, orientation, scale, proportion and composition.

Planning Obligation

25. A signed Section 106 Agreement was submitted prior to the hearing. I consider that this adequately addressed the matters of affordable housing, carbon off-setting and healthcare contributions. These contributions have been justified by the Council and are appropriate to mitigate the impact of the proposal.

Appropriate planning balance

26. In addition to the policies referred to in the reasons for refusal, the Appellant considers that other policies and guidance within the Local Plan; the London Plan; The Mayor of London Housing Supplementary Planning Guidance 2016; the Framework and the Housing for Older and Disabled People National Planning Policy Guidance 2019 (PPG) also carry weight and support the proposal.
27. These policies and documents acknowledge and support the need for specialist dwellings of this type and redevelopment of windfall sites for housing. Additionally, paragraph 123 of the Framework states that where there is an existing shortage of land for meeting identified housing needs, decisions should avoid homes being built at low densities assuming that acceptable living conditions can be met. Furthermore, paragraph 016² of the Housing for Older and Disabled People PPG states that Local Authorities should take a positive approach to schemes if there is an identified unmet need.
28. The proposal would deliver 28 specialist retirement properties within Bromley, three more than the fallback. This would contribute towards a target of 205 specialist units per year set out within Annex 5 of the London Plan and the

² Paragraph: 016 Reference ID: 63-016-20190626. Revision date: 26 June 2019.

Council's Older Persons Accommodation Evidence Base 2016³ and the supporting text to Policy 11 of the Local Plan. The Council does not have figures available regarding progress towards delivery of this target. This proposal would make a modest but important contribution to supply of this type of housing.

29. In conclusion, substantial evidence has been provided to establish the national and local need for housing of this type with policy support for its delivery. Therefore, within the planning balance these benefits of the proposed development carry significant weight.

Conditions

30. The conditions set out in the accompanying schedule are based on those discussed at the hearing. These conditions have been considered against the tests of the Framework and advice provided by the PPG on conditions⁴. I have undertaken some minor editing and rationalisation in the interests of precision and clarity. Those included in the schedule are found to be reasonable and necessary in the circumstances of this case. Some of the conditions are pre-commencement and these were agreed in writing within the Statement of Common Ground and verbally at the hearing.
31. For certainty, conditions have been included regarding time for implementation and approved plans. Conditions regarding details of materials have been included, as has a requirement for submission of existing site and proposed slab levels. This will ensure the development has a satisfactory form and does not harm the character and appearance of the area. Similarly, a condition to ensure provision and retention of refuse and recycling storage facilities has been included in the interests of residential and visual amenity.
32. Conditions have been added to reduce the impact of flooding arising from surface water; implement a sustainable drainage hierarchy; to identify visibility splays; stop-up the existing site access and further detail parking and turning spaces. These will ensure highway safety and reduce the impact of the proposal on other highway users. To reduce reliance upon private cars a condition has been imposed to ensure and retain suitable cycle parking facilities. A lighting scheme has been submitted for the access and car parking area however, I have included a condition to ensure that it is of a suitable standard and is retained to ensure the safety of site users.
33. In the interests of the living conditions of neighbouring occupiers and for highway safety, conditions requiring production and implementation of a construction and environmental management plan and a highway cleaning scheme, have been included.
34. To ensure that biodiversity and protected species are safeguarded a condition has been included which requires implementation of recommendations contained within the Phase 1 Habitat Survey. Submission, implementation and monitoring of tree protection details has been required to ensure the longevity of retained trees within the development. A landscaping scheme has been submitted, however, a condition requiring hard and soft landscaping details has been included to ensure that the proposals achieve a suitable standard of specification, implementation, management and retention.

³ Older Persons Accommodation - Draft Submission Local Plan evidence base. London Borough of Bromley 2016.

⁴ Guidance. Use of Planning Conditions. Last updated 23 July 2019.

35. To provide and retain specialist accommodation and ensure the living conditions of future occupiers, conditions to ensure appropriate building regulations and retention of specialist units, have been included.
36. Finally, during the hearing a condition was proposed regarding measures to be taken to ensure security and crime prevention for the residential units. This was discussed and amended with omission of the final clause.

Conclusion

37. The proposal must be determined within the context of paragraph 11d of the Framework which states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
38. The delivery of specialist housing for which there is a national and local need, although a modest number, carries significant weight. The parties agree that the materials and architectural detailing are acceptable, there would be no adverse impact on the living conditions of neighbouring or future occupiers and when compared with the current situation, use as retirement accommodation is more consistent with the residential character of the area. When considered within the context of the credible fallback position, the proposal would not have a significantly greater impact upon the character and appearance of the area and does not conflict with the Local Plan. There is therefore a presumption in favour of this development.
39. As the proposal would support the policies of the Local Plan and the Framework when taken as a whole, the appeal is allowed.

E Symmons

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development permitted by this planning permission shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development has been submitted to, and approved in writing by, the Local Planning Authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off rates to Greenfield rates in line with the Preferred Standard of the Mayor's London Plan.
- 3) (a) Surface water from private land shall not discharge on to the highway.
(b) Prior to the commencement of above ground works details of the drainage system for surface water drainage to prevent the discharge of

surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority.

(c) Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the details approved under Part (b) and shall be retained permanently thereafter.

- 4) Before any of the development is first occupied, details of the visibility splay shall be submitted to and approved in writing by the Local Planning Authority and those approved works should be implemented and thereafter retained in perpetuity.
- 5) The existing access shall be stopped up at the back edge of the highway before any part of the development hereby permitted is first occupied in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved enclosure shall be permanently retained as such and the footway/verge reinstated as approved.
- 6) Before commencement of the use of the land or building hereby permitted, parking spaces and/or garages and turning space shall be completed in accordance with the details as set out in this planning permission. Thereafter these shall be kept available for such use and no permitted development, whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not, shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.
- 7) (a) Details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground works.
(b) The approved scheme shall be self-certified to accord with BS 5489-1:2003.
(c) The lighting scheme shall be implemented in full accordance with details submitted under Part (a) before the development is first occupied and the lighting shall be permanently retained thereafter.
- 8) No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. As a minimum the plan shall cover:
 - (a) Dust mitigation and management measures.
 - (b) The location and operation of plant and an area of hard standing for wheel washing facilities.
 - (c) Measures to reduce demolition and construction noise.
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:
 - (i) Rationalise travel and traffic routes to, from and within the site.

- (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
 - (iv) Full contact details of the site and project manager responsible for day-to-day management of the works.
 - (v) Parking for operatives during the construction period.
 - (vi) A swept path drawing for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary.
 - (e) Hours of operation.
 - (f) The development shall be undertaken in full accordance with the details approved under Parts a–e.
 - (g) Any accidental accumulation of mud on the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.
- 9) (a) Details of arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works
- (b) The arrangements as approved under part (a) shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.
- 10) (a) Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works.
- (b) The arrangements as approved under Part (a) shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.
- 11) Prior to commencement of the development hereby permitted, as set out in the phase 1 Habitat Survey (July-August 2017) an ecologist must check for nesting birds and bats before any clearance or demolition is begun on site. Garden clearance and demolition of the buildings must take place outside the bird nesting season (March–August inclusive), or an ecologist must check the site for nesting birds immediately before work commences. If during any works nesting birds or bats are found to be present, then an additional habitat survey should be completed, and an appropriate remediation scheme submitted to the Local Planning Authority for approval in writing.
- 12) (a) Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- i) Location and installation of services/utilities/ drainage.
 - ii) Methods of demolition within the root protection area (RPA as defined in BS 5837:2012) of the retained trees.
 - iii) Details of construction within the RPA or that may impact on the retained trees.
 - iv) A full specification for the installation of boundary treatment works.
 - v) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
 - vi) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within RPAs is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
 - vii) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
 - viii) A specification for scaffolding and ground protection within RPAs.
 - ix) Tree protection during construction indicated on a TPP, and construction and construction activities clearly identified with signage as prohibited in this area.
 - x) Details of site access, temporary parking, on-site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well as concrete mixing and use of fires.
 - xi) Methodology and detailed assessment of root pruning.
 - xii) Arboricultural supervision and inspection by a suitably qualified tree specialist.
 - xiii) Reporting schedule for and details of inspection and supervision.
 - xiv) Methods to improve the rooting environment for retained and proposed trees and landscaping.
- (b) The development thereafter shall be implemented in strict accordance with the approved details.
- 13) Details of the materials to be used for the external surfaces of the building, including all windows and doors, shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced. The works shall be carried out in accordance with the approved details.
- 14) The development hereby approved shall be carried out in accordance with the application plans, drawings and documents as detailed below:
Location Plan 5724-03-A-01; Block Plan 5724-03-A-02; Proposed Site Plan 5724-03-A-03; Ground Floor Plan 5724-03-A-10 Rev A; First Floor 5724-03-A-11 Rev A; Second Floor 5724-03-A-12; Roof Plan

5724-03-A-13 Rev A; North and West Elevations 5724-03-A-21 Rev D; South and East Building Elevations 5724-03-A-20 Rev D; Street Scene 5724-03-A-22 Rev D; Proposed Substation 5724-03-A-25 Rev A; Existing Survey AD/1603056; Tree Constraints Plan 17211-BT1; Planting Plan PP001; Landscape Plan LANDP001; Planting Maintenance Schedule; Lighting Plan LP001 and Lighting Plan LP002.

- 15) a) Prior to commencement of above ground works details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:
- (i) A scaled plan showing all existing vegetation to be retained and trees and plants to be planted which shall include use of a minimum of 30% native plant species of home grown stock and no invasive species.
 - (ii) Proposed hardstanding and boundary treatment.
 - (iii) A schedule detailing sizes and numbers of all proposed trees/plants.
 - (iv) Sufficient specification to endure successful establishment and survival of new planting.
- (b) There shall be no excavation or raising or lowering of levels within the prescribed RPA of retained trees unless agreed in writing by the Local Planning Authority.
- (c) Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.
- 16) Prior to commencement of development (excluding demolition) details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved levels.
- 17) The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(3) 'wheelchair user dwellings' for the units identified in the application as wheelchair units and shall be permanently retained thereafter. All other units shall be built in accordance with Building Regulations M4(2) and shall be permanently retained thereafter.
- 18) (a) The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific needs of the application site and development. No above ground construction shall take place until details of such measures have been submitted to and approved in writing by the Local Planning Authority.
- (b) The approved measures shall be implemented before the development is occupied.

- 19) The apartments within the building hereby approved shall, unless otherwise agreed by the Local Planning Authority in writing, be used solely for the designed purpose of providing self-contained independent living units of accommodation for person or persons who, for the purpose of acquiring purchase or lease of any of the approved apartments will have a minimum age of not less than 60 years old (or a spouse/or partner (who are themselves over 55 years old) living as part of a single household with such a person or persons). The building shall not be used or occupied for any other purpose (including equivalent provision in Class C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or any equivalent provision, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (2015) and no permitted changes of use shall occur, unless express written permission of the Local Planning Authority has been obtained.

END OF SCHEDULE

APPEARANCES

FOR THE APPELLANT:

Ms Heather Sargent
Mr James Green
Ms Christine McNulty BA(Hons) DipTP MRTPI
Ms Annabel Prentice

Landmark Chambers
Williams Lester Ltd
Pegasus Group
Lifestory

FOR THE LOCAL PLANNING AUTHORITY:

Mr David Bord

London Borough of Bromley

DOCUMENTS SUBMITTED AT THE HEARING

- Plan 5724-03-A-11 Rev A.
- Plan 5724-03-A-03 Rev D.
- London Borough of Bromley officer report for application 19/03215/FULL1.
- Plans 5724-03-A-103 Rev C; 5724-03-A-110 Rev B; 5724-03-A-111 Rev B; 5724-03-A-112 Rev B; 5724-03-A-120 Rev B and 5724-03-A-121 Rev B relating to application 19/03215/FULL1.
- A list of four additional planning conditions, three of which had previously been agreed by the Appellant.

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Appeal Decision

Site visit made on 11 December 2019

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2020

Appeal Ref: APP/G5180/W/19/3233855

Phoenix Lodge, 14A Woodlands Road, Bickley, Bromley BR1 2AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Chartwell Land and New Homes (2) Limited against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/05565/OUT, dated 12 December 2018, was refused by notice dated 28 June 2019.
 - The development proposed is demolition of existing dwelling and erection of thirteen apartments with associated access and parking.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and erection of thirteen apartments with associated access and parking at Phoenix Lodge, 14A Woodlands Road, Bickley, Bromley BR1 2AP in accordance with the terms of the application, Ref DC/18/05565/OUT, dated 12 December 2018, subject to the conditions set out in the Schedule attached to this decision.

Procedural Matters

2. The application was made in outline with detailed matters provided over access, appearance, layout and scale and those for landscaping reserved for later consideration. I have dealt with the appeal on this basis. A completed planning obligation was submitted after the appeal which I deal with below.

Application for costs

3. An application for costs was made by Chartwell Land and New Homes (2) Limited against the London Borough of Bromley. This application is the subject of a separate Decision.

Main Issue

4. The effect on the character and appearance of the Bickley Area of Special Residential Character (ASRC).

Reasons

5. Phoenix Lodge is situated within the Bickley ASRC which defines an area comprising spacious inter-war residential development, with large houses in substantial plots adjacent to the Conservation Areas of Chislehurst and Bickley. Within this context Phoenix Lodge is quite individual in respect of being a relatively large, detached family home set back deeply in a comparatively

spacious site fronting a corner in Woodland Road. The property is surrounded by trees and vegetation and is framed by a steep railway embankment to one side and a small river to the other.

6. The Council has already permitted a building providing nine flats¹ in place of the existing dwelling. This followed an earlier appeal decision² which, whilst dismissed for another reason, had found the proposed design for nine flats to be similar in its external appearance to a large dwelling so as not to appear out of character in this area.
7. There is no material change in this appeal proposal to the previously approved design and scale of building proposed. The changes are internal, to increase the number of flats to thirteen with the corresponding increase in car parking provision. Through the planning history it is established that there is no objection in principle to flatted development on this site and the units would meet the internal space standards set by the London Plan and provide adequate living conditions for future occupiers. Consequently, the effects upon character and appearance relate not to the design of the building but to the intensification of the use.
8. The increased number of flats would generate more activity including a greater number of vehicular movements and amount of resident activity within the grounds. However, the size of the site and its well vegetated nature would mean that this intensification of use, including the additional parking provision and other facilities, could be absorbed without material harm to the prevailing characteristics of the ASRC. There would be an increase in residential density. However, as this is accommodated without any significant alterations to the scale and external appearance of the building previously allowed, I similarly find this to cause no material harm in terms of character and appearance.
9. The development plan is the recently adopted Bromley Local Plan of January 2019 (BLP). The proposal would meet the criteria set out in BLP policies 4 and 37 and achieve the high standard of design and layout required to respect local character. BLP Policy 44 requires that proposals respect, enhance and strengthen the special and distinctive qualities of the ASRC. The proposal would still retain the outward appearance of a big house set in a large plot. The intensification of use from nine to thirteen flats, and the accompanying external changes, would not be such as to conflict with the general aims of BLP Policy 44.
10. Both internally and externally, this proposal would satisfy the objectives set out in Policy 3.5 of the London Plan in respect of the quality and design of housing developments. The appeal scheme would meet the aims of the National Planning Policy Framework (the Framework) for achieving well-designed places.

Other Matters

11. Consideration has been given to the other matters raised by interested parties at the application and appeal stages. The space for a suitable buffer between the development and the adjacent river would address any flood risk concerns. The design, scale and siting of the building would avoid any material harm to the living conditions of any neighbouring occupiers in regard to privacy and loss of trees. The proposal gives rise to no significant harm to the safety of users of

¹ Council reference 18/04199

² APP/G5180/W/18/3193128

the adjoining roads. Adequate access and parking space would be provided. Any greater degree of noise and disturbance from the additional flats, including further vehicular movements, would not be sufficient for me to find the proposal unacceptable in respect of its effect on neighbours' living conditions. The proposal provides means to mitigate for any adverse effect on biodiversity. With regard to setting a precedent for further flatted schemes on Woodlands Road, the Council would be able to assess any such proposals on individual merit.

Planning Obligation

12. The appellant has provided a certified copy of a signed and executed Section 106 planning obligation, as a Unilateral Undertaking (UU) to make the financial contributions sought by the Council in respect of affordable housing, health services, education and carbon offsetting. I have considered the UU against the advice in paragraph 56 of the Framework and the statutory requirements of Regulations 122 and 123 of the Community Infrastructure Levy Regulations. Together, these require that planning obligations should only be accepted where they are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to it. The UU satisfies these tests and therefore has been a material planning consideration in this appeal decision.

Conditions

13. I have considered the conditions suggested by the Council in the light of the advice in paragraph 55 of the Framework. This states that these should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have amended those found necessary, mainly for simplicity and succinctness.
14. The standard outline conditions are necessary, including the time limit imposed for the submission of the reserved matter (1-3). For certainty a condition sets out the approved plans and reports the development shall adhere to (4). To address flood risk a further specific condition is required (5). In the interests of the satisfactory appearance of the development, conditions govern built levels and external materials (6,7).
15. To ensure satisfactory arrangements are made for cycle and refuse bins storage, electric car charging point provision and external lighting, a condition addresses these details (8). Another covers access, car parking and manoeuvring areas for the same reason (9). To address suitable accessibility and tree protection conditions secure agreement over these issues (10, 11). In the interests of good neighbourliness, a condition requires any reasonably required reinstatement of Woodlands Road following the building works to be agreed with the Council (12).
16. Condition 4 addresses the specific conditions the Council has suggested over biodiversity mitigation, energy conservation, sound insulation, wheel washing and operatives parking. This is because the development must accord with the submitted reports which address these respective matters. The landscaping conditions suggested, including maintaining the buffer alongside Kyd Brook river, are more appropriately addressed through the remaining reserved matter.

Conclusion

17. For the reasons given, having taken into consideration all other matters referred to in evidence, I conclude that the appeal should be allowed subject to the conditions set out below.

Jonathan Price

INSPECTOR

Schedule of Conditions

- 1) Details of landscaping, (hereinafter called "the reserved matter") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matter shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the reserved matter to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans and reports: site location plan reference 18-462-01; existing block plan reference 18-462-02; survey plan reference 18-462-03; demo layout plan reference 18-462-04; planning layout plan reference 18-462-05; proposed ground floor plan reference 18-462-07 Rev A; proposed first floor GA plan reference 18-462-08; proposed roof space plan reference 18-462-09; proposed roof plan reference 18-462-10; proposed front elevation plan reference 18-462-11; proposed $\frac{3}{4}$ front elevation plan reference 18-462-12; proposed left side elevation plan reference 18-462-13; proposed right side elevation plan reference 18-462-14; proposed rear elevation plan reference 18-462-15; proposed rear $\frac{3}{4}$ plan reference 18-462-16; Plot 1 – detail layout plan reference 18-462-21; Highway overview Technical Note (1) by Motion dated 11 December 2018; Energy statement by Bryenergy Services dated December 2018; CEMP prepared by Chartwell dated 14 December 2018; accommodation schedule prepared by Chartwell; Bat Building assessment & Emergence Survey by Arbeco dated 31 August 2018; Preliminary Ecological Appraisal by Arbeco dated 8 December 2016; Noise report by Falcon Energy Limited dated 1 February 2017; Tree report by Broad Oak Tree Consultants Ltd dated 19 December 2016; Design and Access statement prepared by Addo Designs Ltd; Planning statement prepared by RE Planning; Flood risk assessment Development in Flood Zones 2 & 3 (ref 218171) prepared by Forge Engineering Design Solutions; Flood risk assessment letter from Forge Engineering Design Solutions dated 14 December 2018.
- 5) None of the apartments hereby permitted shall be occupied until the Council has confirmed in writing that the approved surface water drainage scheme has been satisfactorily implemented. The agreed surface drainage arrangements shall thereafter be maintained for the lifetime of the development.

- 6) Apart from demolition and site clearance the development hereby allowed shall not commence until details of the proposed slab levels of the building and the existing site levels shall have been submitted to and approved in writing by the local planning authority. The development shall thereafter be completed in accordance with these approved details.
- 7) Prior to commencement above slab level of the development hereby allowed, details of the materials to be used for the external surfaces of the building, which shall include roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 8) None of the flats hereby allowed shall be occupied until cycle and refuse bins storage, electric car charging points and external lighting have been provided in accordance with details that shall have had the prior written agreement of the local planning authority. The cycle and refuse bins storage, electric car charging points and external lighting shall thereafter be retained as agreed.
- 9) None of the apartments hereby permitted shall be occupied until the Council has confirmed in writing that the approved access, car parking and manoeuvring areas have been satisfactorily implemented. These access, car parking and manoeuvring areas shall thereafter be retained and kept available for these purposes for the lifetime of the development.
- 10) Prior to commencement above slab level of the development hereby allowed, details of the criteria set out in Building Regulations M4(2) *accessible and adaptable dwellings* for the units identified in the application as non-wheelchair units and in Building Regulations M4(3) *wheelchair user dwellings* for the unit identified in the application as a wheelchair unit, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 11) No site clearance, preparatory work or demolition shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: *Trees in relation to design, demolition and construction – Recommendations* (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 12) None of the apartments hereby permitted shall be occupied until reasonable measures have been taken to repair any damage to Woodlands Road from construction traffic associated with the development hereby allowed, in accordance with terms that shall have had the prior written agreement of the local planning authority.



Costs Decision

Site visit made on 11 December 2019

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2020

Costs application in relation to Appeal Ref: APP/G5180/W/19/3233855 Phoenix Lodge, 14A Woodlands Road, Bickley, Bromley BR1 2AP

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Chartwell Land and New Homes (2) Limited for a full award of costs against the Council of the London Borough of Bromley.
 - The appeal was against the refusal of planning permission for demolition of existing dwelling and erection of thirteen apartments with associated access and parking.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour in this context may be procedural, relating to the appeal process, or substantive, relating to issues arising from the merits of the appeal. The application is made principally in respect of the latter.
3. Paragraph 50 of the PPG advises where a local planning authority might not be liable for an award of appeal costs. This is where the duty to determine the planning application had been exercised in a reasonable manner and where the proposal was not in accordance with development plan policy with no material considerations including national policy indicating permission should have been granted.
4. Policy 44 of the Bromley Local Plan of January 2019 deals specifically with Areas of Special Residential Character (ASRC) whereby the proposal was required to respect, enhance and strengthen the special and distinctive qualities of such localities. The building proposed for thirteen flats was essentially of the same scale, design and siting as that allowed previously for eight units. I give significant weight to the conclusions of the Inspector in the earlier appeal¹ that such a development would not be harmful to the character of the area. That decision was based on an earlier development plan which, broadly the same as the current one, had policies requiring a high standard of design, taking account of local character and appearance with particular regard to density, design and ASRC.

¹ APP/G5180/W/18/3193128

5. The Council were entitled to decide contrary to officer recommendation and take into account the views of local residents. However, the building was much the same as one allowed previously and, because the internal space standards had not been found to provide future occupiers unacceptable living conditions, I find little to substantiate the refusal reason that the scheme would be either cramped or offer a reduced quality of accommodation.
6. The Council's appeal evidence and costs rebuttal stress that the Council's ground of refusal had been misconstrued and was essentially based on the intensification of the use of the site and its effect on local character. In my decision on the appeal I had concluded the size of the site and its well vegetated nature would mean that this intensification of use, including the additional parking provision and other facilities, could be absorbed without material harm to the prevailing characteristics of the ASRC. I found that whilst there would be an increase in residential density that, as this was accommodated without any significant alterations to the scale and external appearance of the building previously allowed, there would be no material harm in terms of character and appearance.
7. That I had found in favour of the appellant's case would not be grounds for an award of costs. However, I have had regard to paragraph 49 of the PPG which gives examples of behaviour that may give rise to a substantive award against a local planning authority. On the evidence before me there is a reasonable case made that the Council had prevented a development that should clearly have been permitted, having regard to its accordance with the development plan, national policy and any other material considerations. Furthermore, I consider the Council had failed to adequately substantiate its reason for refusal on appeal, providing what I find to be rather vague, generalised assertions about the proposal's impact that were unsupported by objective analysis.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Bromley shall pay to Chartwell Land and New Homes (2) Limited, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicant is now invited to submit to the London Borough of Bromley, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Jonathan Price

INSPECTOR

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Appeal Decision

Site visit made on 15 August 2019

by **M Seaton DipTP MRTPI**

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

Decision date: 17 February 2020

Appeal Ref: APP/G5180/W/19/3225672

Bassetts Day Care Centre, Acorn Way, Orpington, BR6 7WF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by London Square Developments Limited against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/02700/FULL1, dated 13 June 2018, was refused by notice dated 30 November 2018.
 - The development proposed is the proposed replacement of consented 3 no. 4 bed houses and 3 no. 5 bed houses (plots 39-40 and 49-52) of application ref. 15/04941/FULL3 and the replacement with two three storey blocks of flats to provide 10 no. one bed units and 12 no. two bed units with 24 associated vehicle spaces and 36 cycle spaces.
-

Decision

1. The appeal is allowed and planning permission is granted for the proposed replacement of consented 3 no. 4 bed houses and 3 no. 5 bed houses (plots 39-40 and 49-52) of application ref. 15/04941/FULL3 and the replacement with two three storey blocks of flats to provide 10 no. one bed units and 12 no. two bed units with 24 associated vehicle spaces and 36 cycle spaces at Bassetts Day Care Centre, Acorn Way, Orpington, BR6 7WF, in accordance with the terms of application Ref DC/18/02700/FULL1, dated 13 June 2018, subject to the conditions attached in the Annex.

Procedural Matters

2. Since the Council refused planning permission for the proposed development, the London Borough of Bromley Local Plan 2019 (the Local Plan) has been adopted, with The Bromley Unitary Development Plan (UDP) being superseded as a result. Whilst the planning application was determined in accordance with the Development Plan and the UDP in place at the time, the courts have held that appeals must be determined on the basis of the Development Plan and national policy which are in place at the time of the decision on the appeal, rather than at the time of the earlier determination.
3. I note that the reasons for refusal highlighted the policies of the draft Local Plan as it was at the time of the decision, but that all parties have been afforded the opportunity during the course of the appeal to address the proposals in the context of the newly adopted Local Plan.
4. The appellant has submitted a Unilateral Undertaking dated 24 July 2019 during the course of the appeal, which I will address later in this Decision Letter.

Background and Main Issues

5. The parcels of land the subject of this appeal are set within a larger site which formerly comprised of the Bassetts Day Care Centre. Planning permission was approved in August 2016 (*LPA Ref: 15/04941/FULL3*) for a comprehensive residential redevelopment of the wider site, and for which at the time of my visit many units and blocks of accommodation had been completed and occupied.
6. The appeal proposal addresses two specific areas of the site known as Site A (Plots 34 & 39) and Site B (Plots 49-52), across which were previously consented 6 family dwellings comprising 3 x 4-bed and 3 x 5-bed houses. The plots would be redeveloped to provide 22 residential flats comprising of 10 x 1-bed and 12 x 2-bed units, provided in the form of 3-storey blocks, with each block at Sites A & B accommodating 5 x 1-bed and 6 x 2-bed units.
7. The Council has highlighted within their submissions that there are concerns that the proposal represents a cramped overdevelopment of the wider site, that there would be an adverse impact on the living conditions of the neighbouring occupiers of Arden Close, and that the revised housing mix would lead to an over-concentration of flats and smaller units across the wider development.
8. The main issues are therefore;
 - whether the proposed development would accord with local and national housing policies, particularly with regards to the mix of housing;
 - the effect of the proposal on the character and appearance of the wider development and surrounding area; and,
 - whether the proposed development would safeguard the living conditions of neighbouring occupiers, having regard to outlook and sense of enclosure.

Reasons

Housing mix

9. In assessing the proposed development, I note that the Council has focussed upon the housing mix for the appeal sites alone rather than considering the sites in the context of the housing mix for the wider development. Despite the focus of the appeal on the replacement of only certain aspects of the previously consented development, I disagree with the Council's approach in this respect as it is evident that the appeal sites as originally consented contributed towards the housing mix of the wider development. To consider their impact in isolation now would be somewhat perverse as they would still be a part of the mix of the same overall development.
10. In this regard, the appellant has provided a comparison between the approved and proposed housing mix across the entire development site at paras. 5.54-5.55 of the Grounds of Appeal. The assessment highlights that there would be an overall increase in the proportion of 1 bed units from 20% - 25% (+10 units) and 2 bed units from 26% - 32% (+12 units). Conversely there would be a slight reduction in the proportion of 3 bed units from 6% - 5.5%, although no actual reduction in the number of units, and a reduction in 4 bed units from 45% - 37.5% (-3 units). The approved 3 x 5 bed units would also be removed from the proposals.

11. In considering the housing mix of the development, both main parties have referred me to extracts from the 2017 London Strategic Housing Market Assessment (the SHMA) in the absence of any such guidance within the development plan. The SHMA provides a strategic assessment of housing need across London as a whole, and indicates that the annualised net requirement for new homes for the period 2016 to 2041 is 65,878 of which 55% should be 1 bed units, 16% 2 bed units, 14% 3 bed units, and 15% 4 bed units or larger.
12. Based on the requirements of the SHMA for the proportion of new homes, I note that the approved mix of dwelling sizes included a significantly greater percentage (48%) of 4 bed units or larger, whilst the percentage (20%) of 1 bed units was substantially less than the annualised net requirement in the SHMA.
13. I accept that housing mix must also be considered having regard to local context as would have originally in this instance been the case. However, I am satisfied that the wider development as completed and proposed would continue to provide a significant proportion of larger units in accordance with the character of the wider area, albeit that the proportion of 1 bed units as proposed would be more reflective of the percentage net requirement as indicated within the SHMA. There would be an increase in 2 bed units on the site which would lead to a greater disparity from the SHMA requirement, but in the context of the complete provision of the development I do not regard this as being harmful to the overall housing mix.
14. The Council has expressed concerns that the proposal would lead to an over-concentration of studio flats within Site A and residential flats across the two sites. However, although it is an inevitability of the proposed development that flats would dominate the two sites, for the reasons already set out a substantial proportion of the overall development would remain comprised of larger units and houses rather than flats.
15. Turning to the tenure, I note the Council has also indicated some reservation over the provision of 2 x 1 bed intermediate units within the revised housing mix, which is highlighted within the SHMA to be the least required by tenure. I do not dispute that the SHMA indicates a lower percentage total, but in noting the Council's concern that the housing requirement as set out in the SHMA has not been demonstrated to be fully applicable in the London Borough of Bromley area, the Council has not directed me to any localised evidence to indicate that the requirements of the SHMA are not fully applicable or have been already met. In the absence of such contrary evidence, I do not share the Council's concern in this respect.
16. In determining the planning application, the Council highlighted the proposal as being in conflict with the draft of Policy 37 of the Local Plan within the reason for refusal, which is now of the adopted Local Plan. However, from reviewing the policy which focuses on the *General Design of Development*, it is not clear from the reasoned justification attached to the policy or the Council's submissions as to how the policy is specifically relevant to this main issue. In the absence of any other Development Plan policies being identified in the Council's submissions, I have considered this matter against other material considerations, including the National Planning Policy Framework, and the extracts referred to from the SHMA.

17. In this regard, I do not consider that the revised mix of housing provided on the appeal site would result in an adverse impact on the overall balance of housing across the wider development. As a consequence, I am satisfied that the proposed development would not conflict with the SHMA or with the National Planning Policy Framework (the Framework), which sets out the need to significantly boost the supply of homes and to ensure that the size, type and tenure of housing needed for different groups in the community is reflected in planning policies and provides for the creation of mixed and balanced communities.

Character and appearance

18. The appeal sites are both set adjacent to the central road running through the development. Site A occupies a parcel of land close to the boundary between the development and Starts Hill Road, whilst Site B is located adjacent to Bassetts Pond and the boundary with properties on Arden Grove.
19. The Council has objected to the proposed development on the basis of the increased scale of the buildings as expressed in the design by their greater width, depth and height along with revised spatial distances between the buildings and boundaries. The concerns also address the increased density of the development and the contention that the revised scheme now results in a cramped overdevelopment of these plots.
20. I accept that the proposals would result in a greater footprint of each of the buildings than the previously approved dwellings, and that in being replaced, there would result a more intensive use of the respective sites. However, I do not regard that the resultant development would result in an overdevelopment by virtue of the increased footprint, rather an alternative and more efficient use of the two sites. Whilst the depth and footprint of the proposed blocks would also undoubtedly exceed that which has been constructed elsewhere within the development, I am not persuaded that the visual experience of these changes would translate into a form and layout which would detract from the character and appearance of the wider development.
21. Turning to the overall height of the buildings, the wider development accommodates a range of 2 to 3 storey buildings which the revised proposals would broadly adhere to. Furthermore, I am satisfied that there is enough spatial variety across the wider site in terms of both the relationship between buildings and boundaries, and the use of a range of building types and forms including terraces, so that revised spatial relationships would not appear to be uncharacteristic or obtrusive, or the development appear cramped in the respective contexts.
22. The detailed design of the blocks as proposed would reflect the characteristic design features as expressed in the architecture of the remainder of the development, and would utilise the same palette of materials to ensure an effective assimilation with the remainder of the development. I accept that the flank elevations of Block C2 on Site A remains somewhat unresolved in design terms but given the detail and articulation of the principal elevations, on balance I consider the detailed design of the block to be acceptable overall.
23. Turning to the density of the development, I have noted the references to the increased density as cited by the Council and interested parties as a consequence of the introduction of additional flats to replace the houses. I

accept that were these elements of the development to be taken in isolation then the development would undeniably exceed the suggested guideline ranges for a suburban setting as set out in The London Plan – The Spatial Development Strategy for London Consolidated with Alterations since 2011 (the London Plan). However, I again agree with the appellant that consideration must be given to the impact of the increased density in the context of the wider development, of which the proposals are an intrinsic part.

24. In this respect, the evidence before me indicates that whilst the habitable rooms per hectare range of 150-200 would be marginally exceeded, the development would still fall comfortably within the units per hectare (u/ha) range of 35-55, with an increase reported from 45 to 51 u/ha. Whilst I acknowledge the submissions that the guidelines should not be applied mechanistically, in this instance and having regard to my conclusions on whether the proposals would appear as an overdevelopment of their sites, I do not consider the increased density of development to either mark a significant change from the previously approved development or represent overdevelopment.
25. In addition to the points raised above, concerns have been raised by interested parties regarding the impact on the character of the site from a greater number of flats. However, for the reasons as set out above, I do not consider that the effect of the revised development would be an adverse impact when assessed in the context of the character of the previously approved development.
26. For the above reasons, I am satisfied that the proposed development would not result in an adverse impact on the character and appearance of the area. The proposals would not conflict with Policies 4 and 37 of the Local Plan, or Policies 3.5 and 7.4 of the London Plan. These policies seek to ensure that housing design is of a high standard and layout, and respects local character, spatial standards, physical context and density.

Living conditions

27. The Council has highlighted their concerns over the relationship between the proposed development of Site B and the rear of Block D3 to properties beyond the boundary of the appeal site on Arden Grove. In particular, in light of the increased proximity of the rear of the block from that of the approved scheme, concerns have been raised regarding the impact on outlook and a sense of enclosure which would be experienced by occupiers of No. 16 Arden Grove as the nearest property.
28. I accept that the effect of the revision to the footprint of the development on Site B and the increased scale and massing of Block D3 would be that there would undoubtedly be a greater impact on the residential amenity of the neighbouring occupiers of No. 16 Arden Grove. However, the orientation of the rear of the neighbouring property would not be directly towards the proposed development which would sit perpendicular to the rear elevation of the dwelling and therefore only within the periphery of the rear outlook. Whilst the visual impact of Block D3 would be more keenly experienced from the rear garden of No. 16 Arden Grove, there would remain a reasonable level of separation from the rear of Block D3, and the retained mature planting on the boundary would continue to provide a significant visual screen for users of the rear garden and a substantial level of mitigation. As a consequence, I am not persuaded that

- any additional impact from the proposed development would result in an unacceptable resultant effect on the living conditions of neighbouring occupiers.
29. I note that the Council has not raised any objections on the basis of the impact of the development on sunlight and daylight, privacy and noise. However, concerns regarding the impact of the proposal on privacy and noise have been raised by interested parties, including from properties on Arden Grove.
30. In respect of privacy, I have had regard to the absence of habitable room windows facing towards the neighbouring properties and despite the reduction in the distance to the boundary with No. 16 Arden Grove, I do not consider that an unacceptable privacy relationship will result. With regards concerns over noise from the proposed development, I note the findings of the submitted vehicle noise assessment which conclude that an acceptable internal and external noise environment can be achieved. Whilst I recognise that the increased number of units in this location may result in some additional comings and goings, I do not have any contrary technical evidence before me from which to reach an alternative conclusion.
31. In addition to the above concerns have been raised over the eventual slab height of the proposed buildings, and whether the plans properly and accurately indicate the levels of the proposed development relative to existing levels and surrounding land. In this respect, Condition No.6 addresses the detail of slab levels and I am satisfied presents an appropriate means of ensuring that the proposed buildings accord with expectations over their terminal heights.
32. I have also had regard to the contention that the proposed development would result in the loss of a view across the appeal site from a neighbouring occupier. However, whilst this may possibly be the case, the right to a view is not a matter which is a material planning consideration, although as already addressed outlook would be.
33. For the reasons as set out, the proposed development would safeguard the living conditions of neighbouring occupiers to an acceptable degree, having regard to outlook and sense of enclosure. I do not therefore find there to be conflict with Policy 37 of the Local Plan, which seeks to ensure that development proposals respect the amenity of occupiers of neighbouring buildings.

Planning Obligations

34. As already referred to, the appellant has submitted a Unilateral Undertaking with the appeal. The legal agreement provides for 2 intermediate affordable housing units on site along with a financial contribution of £19,715.25 for the provision towards affordable housing outside of the development. The legal agreement also provides for financial contributions towards health (£11,906), carbon offsetting (£31,356), and highway works in the form of a cycle link from Locksbottom to Orpington Station (£15,000). In addition, the agreement secures the provision of 2 car club spaces with 2-year free membership and 20 driving hours. The legal agreement was in accordance with the Heads of Terms as set out by the Council in the recommendation to the Planning Committee.
35. The Council has indicated within the Appeal Statement that despite the identification of the need for an off-site affordable housing contribution the

affordable housing liability for the current application would be met, further to viability testing, by the provision on-site of 2 intermediate units. For this reason, the Council has indicated there to be no additional requirement for an affordable housing payment and is not now pursuing one as it would not comply with the Community Infrastructure Levy Regulations 2010 (CIL Regulations). Based on the evidence I have before me I have no reason to disagree with this conclusion.

36. Turning to the remaining obligations, the Council has submitted a Section 106 and CIL Regulations Compliance Statement, which provides justification for each of the obligations requested. Policy 26 of the Local Plan and Policy 3.17 of the London Plan are cited as providing the justification for the Healthcare contributions indicated to be required to address the demands placed on healthcare infrastructure and services. The legal agreement identifies the beneficiary to be the Orpington Health and Wellbeing Centre whilst the Council in citing the pooling restrictions as set out in Regulation 123(3)(b) has expressed that the contributions should be focussed on supporting existing provision at the Green Street Surgery and Summercroft Surgery. Whilst I am satisfied that both projects would relate acceptably to the proposed development, I am mindful that Regulation 123 was removed by the 2019 CIL Amendment Regulations on 1 September 2019, and therefore the legal agreement as completed would not conflict with the CIL Regulations.
37. The obligation for carbon offsetting contributions is indicated to be required by Policy 124 of the Local Plan and Policy 5.2 of the London Plan, where these policies seek to ensure that development reduces its carbon dioxide emission, in this instance through a carbon offsetting payment made-in-lieu. The Council has identified a specific project related to this payment, with a series of LED Street lighting upgrades identified for surrounding streets.
38. The justification for the highway contributions and car club membership is set out in Policies 31 & 33 of the Local Plan, and 6.3 & 6.13 of the London Plan. The provision of 2 car club spaces and 2 years free membership with 20 hours driving time for new occupiers of the development would encourage the use of sustainable travel modes in accordance with Policy 31 of the Local Plan. Improvements to the linkages to the Locksbottom to Orpington cycle route would also seek to reduce the potential for car borne trips to Orpington Station from the development in a low public transport accessibility area (PTAL 1b), in accordance with Policy 33 of the Local Plan.
39. I am satisfied that the legal agreement itself appears to be in order and meets all the requirements set by the Council. Whilst I am mindful that the Council is no longer pursuing an off-site affordable housing contribution, I have given due weight to all other remaining obligations, but no weight to the included affordable housing financial contribution. On this basis, I consider the obligations to be acceptable in light of Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Other Matters

40. In addition to the main issues, interested parties have raised a series of further concerns.
41. I note that matters related to the adequacy of parking provision within the development and the surrounding area, and the potential impact on traffic

conditions and highway safety were considered in detail by the Council during their assessment of the planning application. I have had regard to the Council's conclusions as set out in the Committee Report and in particular that despite an overall reduction in the proposed parking ratio of spaces per dwelling across the wider site, the proposals would continue to accord with the Development Plan requirements for car parking. Furthermore, the Council agrees with the conclusions reached by the appellant in the Transport Assessment that the local transport network can adequately accommodate the additional trips from the development, and I see no reason to disagree with these conclusions. Furthermore, and whilst I noted the parking on Starts Hill Road, based on my observations and the submitted evidence I am not persuaded that any additional traffic generated would result in an adverse impact on highway safety.

42. I have also had regard to the references to the unsuitability of the appeal site for accessing public transport options, and the capability of local infrastructure to accommodate the additional demands of the development. In these respects, whilst I acknowledge that the public transport accessibility level for the location is poor, the acceptability of the principle of residential development in this location has already been established by virtue of the planning permission for the wider development and I do not consider that the uplift in overall numbers of dwellings and occupants would lead to a different conclusion on the acceptability of the principle of the development.
43. With regards the capabilities of local infrastructure, I have noted the references to local infrastructure in the form of the GP Practice, hospital and school being over-stretched and at capacity, and that inadequate power and water utilities are in place with power cuts already occurring locally. However, for the reasons as set out in the submitted evidence, the nature of the proposed development would not place any further burden on the local education resources, and an obligation to mitigate any impact was not therefore deemed necessary by the Council. With regards the effect of the proposal on local healthcare, I have not been provided with any compelling evidence that the increased demands which would arise from the development would lead to an unacceptable impact on the existing available capacity. Furthermore, with regards utilities there is no evidence before me that any shortcomings with regards current supply are linked to issues related to capacity and that the proposed development would therefore exacerbate matters.
44. I note that matters related to biodiversity and the drainage of the site have been addressed by various technical reports. These include an Arboricultural Impact Assessment, updated and extended Phase 1 Habitats Survey and Assessment, an Ecological Management and Mitigation Strategy, a Bat Survey, and Flood Risk Assessment.
45. The Council's Trees Team has expressed their satisfaction with the updated arboricultural submissions whilst the Orpington Field Club has indicated that, subject to an adherence to the recommendations of the Updated Phase 1 Habitat Survey and Assessment and Ecological Management and Mitigation Strategy, there are no objections to the proposals. Turning to drainage, the Council's Drainage Engineer has not objected to the revised scheme and Thames Water has raised no objections on the basis of the information provided regarding either surface water or waste-water drainage. I have no reason to dispute these conclusions.

Conditions

46. In addition to conditions addressing the timing of development and ensuring accordance with approved plans and documents, conditions requiring details of the materials, landscaping, the provision of protection to the retained trees, and the final slab levels of the proposed development would be required in the interests of the character and appearance of the area. The details of the slab levels would also be in the interests of safeguarding the living conditions of existing and neighbouring occupiers, as would be adherence to the approved construction management and logistics plans, control over hours of operation during the construction period, and details of external lighting.
47. The details of external lighting and adherence to the Ecological Management and Mitigation Strategy as well as the provision of additional protection measures prior to the commencement of construction works on the respective sites would be required in the interests of biodiversity. Securing 90% of the 22 units to be built in accordance with Building Regulations Part M4(2) would be in the interests of ensuring the units would be both adaptable and accessible.
48. A condition securing the waste and cycle parking provision would be necessary in the interests of the living conditions of occupiers and the promotion of more sustainable travel options respectively. The requirement for details of a scheme for the management of the car parking provision on the site, and an updated car park management plan would be in the interests of both managing air quality and emissions, and highway and parking provision management
49. The provision of a scheme of surface water drainage would allow control over the environmental and flood management of the site, and the submission of a site-wide energy strategy would be in the interests of the sustainability of the development respectively. Details confirming the proposed development would accord with secured by design accreditation would be in the interests of security and crime prevention.

Conclusion

50. For the reasons given above, and subject to the conditions listed, the appeal is allowed.

M Seaton

INSPECTOR

Annex

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Unless as otherwise required by the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Numbers;

- 1447-P-010 Rev P3 – Site Location Plan;
- 1447-P-020 Rev P1 - Consented Site A Ground Floor Block Plan;
- 1447-P-021 Rev P1 - Consented Site A First Floor Block Plan;
- 1447-P-022 Rev P1 - Consented Site A Second Floor Block Plan;
- 1447-P-030 Rev P1- Consented Site B Ground Floor Block Plan;
- 1447-P-031 Rev P1 - Consented Site B First Floor Block Plan;
- 1447-P-032 Rev P1 -Consented Site B Second Floor Block Plan;
- 1447-P-110 Rev P5 - Proposed Site Plan - Sites A & B Replan;
- 1447-P-120 Rev P2 - Proposed Site A (Block C2) Ground Floor Block Plan;
- 1447-P-121 Rev P3 - Proposed Site A (Block C2) First Floor Block Plan;
- 1447-P-122 Rev P3 -Proposed Site A (Block C2) Second Floor Block Plan;
- 1447-P-130 Rev P1 - Proposed Site B (Block D3) Ground Floor Block Plan;
- 1447-P-131 Rev P1 - Proposed Site B (Block D3) First Floor Block Plan;
- 1447-P-132 Rev P1 - Proposed Site B (Block D3) Second Floor Block Plan;
- 1447-P-470 Rev P1 - Proposed Site Sections;
- 1447-P-650 Rev P5 - Flat Block C2 Proposed Floor Plans & Elevations;
- 1447-P-651 Rev P5 - Flat Black D3 Proposed Floor Plans & Elevations;
- 1447-P-660 Rev P1- Adaptable Dwelling Floor Plan;
- D2350 L.200 Rev.H Detailed Hard Landscape General Arrangement;
- D2350 L.201 Rev J- Detailed Hard Landscape General Arrangement;
- D2350 L.220 Rev F Boundaries Plan Sheet 1 of 2;
- D2350 L.221 Rev F Boundaries Plan Sheet 2 of 2;
- D2350 L.250 Rev B - Detailed Hard Landscape General Arrangement Plan;
- D2350 L.260 Rev B - Boundaries Plan;
- D2350 L.304 Rev F Detailed Planting Plan Sheet 1 of 2;
- D2350 L.305 Rev F Detailed Planting Plan Sheet 2 of 2;
- D2350 L.350 Rev B - Detailed Planting Plan;
- D2350 L.410 Rev F - Typical Details - Wall and Gate;
- D2350 L.432 Rev D - Typical Detail - Tree Planting;

- 1447-P-470 Rev P1 Proposed Site Sections;
- 8850/01 Rev D - Tree Constraints Plan;
- 8850/02 Rev 07 - Tree Protection Plan;
- 7001373-Sk-012-Atr-02 Rev C - Block C Layout Review Swept Path Analysis;
- 7001373-Sk-012-Atr-03 Rev C - Block D Layout Review Swept Path Analysis;
- 7001373-Sk-014-Rev A - Block C Refuse and Fire Vehicle Access Swept Path Analysis;
- 7001373-Sk-015-Rev A - Block D Refuse and Fire Vehicle Access Swept Path Analysis;
- 1447-P-160- Rev P1 - "As Consented" Schedule of Accommodation; and,
- 1447-P-155- P11 - Schedule of Accommodation dated 13th Nov, 2018.

Documents;

- Planning Statement (Montagu Evans, Dated June 2018);
- Design and Access Statement (Stanford Eatwell Architecture, Dated November 2018);
- Statement of Community Involvement (prepared by Cascade, Dated June 2018);
- Landscape Statement Addendum (Prepared by FABRIK, Dated July 2018);
- Daylight and Sunlight Assessment (Prepared by Point 2 Surveyors Ltd, Dated 21st May 2018);
- Environmental Noise Assessment (Prepared by Paragon Acoustic Consultants, Dated 29th May 2018);
- Vehicle Noise Assessment to No. 16 Arden Grove (Prepared by Paragon Acoustic Consultants, Dated 29th May 2018);
- Flood Risk Assessment (Prepared by Banrard & Associates Ltd, Dated May 2018);
- Phase III Geo-environmental Investigation (Prepared by AP Geotechnics: Dated 6th June 2018);
- Arboricultural Impact Assessment (Prepared by KEEN consultants, Dated May 2018);
- Energy Strategy (Prepared by DESCO Design and Consultancy Ltd; Dated 25th May 2018);
- Updated extended phase 1 survey and assessment (prepared by Richard Graves Associates Dated May 2018);
- Bat Survey 2018 report (prepared by Richard Graves Associates; Dated June 2018);
- Exterior lighting Assessment Site A and Site B replan (prepared by Desco Design and Consultancy Ltd; Dated 29th May 2018);
- Car park management plan (prepared by WSP; Dated June 2018);

- Transport Statement (Prepared by WSP; Dated May 2018);
 - Construction Logistics Plan (Prepared by WSP; Dated 2018);
 - Financial Viability Assessment (Prepared by Montagu Evans - June 2018), and
 - Application form; CIL form.
3. The external materials to be used on the buildings hereby permitted shall be strictly in accordance with the specification outlined in the Design and Access Statement (Nov 2018). Should there be any changes to the approved details, full details and sample boards of all relevant external materials and finishes shall be submitted to and approved in writing by the Local Planning Authority before the work is carried out. The development shall be carried out in accordance with the approved details.
4. The demolition and construction works shall be carried out in accordance with the approved construction management plan and construction logistics plan.
5. Within two months from the date of this decision notice, updated landscaping details including a landscaping management strategy shall be submitted to and approved by the Local Planning Authority. The landscaping scheme shall include details of:
- soft landscaping;
 - hard landscaping including the materials of paved areas and other hard surfaces;
 - any retaining walls;
 - street furniture; and,
 - boundary treatment and planting schedule including the edge of Bassetts Pond.

The landscape strategy and management plan shall include the following elements:

- detail, extent and type of new planting (planting to be of native species where possible);
- details of maintenance regimes;
- details of any new habitat created on site (to include the design and creation of green roofs); and,
- details of treatment of site boundaries and/or buffers around the Bassetts Pond

The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 10 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.

6. Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of work on the relevant site. The

development shall be completed strictly in accordance with the approved levels.

7. Twenty (20) of the twenty-two (22) units hereby approved (90%) shall be designed and constructed in accordance with Building Regulations Part M4 (2). Evidence from an approved building control inspector demonstrating compliance, together with detailed plans of the completed units, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the development hereby approved and the development shall be retained in accordance with these approved details thereafter.
8. Details confirming the proposal would achieve secured by design accreditation shall be submitted to and approved in writing by the Local Planning Authority. The approved Secured by Design measures shall be implemented in accordance with the approved details, completed prior to the first occupation of the development and retained for the lifetime of the development.
9. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS:
 - Location and installation of services/ utilities/ drainage.
 - Methods of demolition within the root protection area (RPA as defined in BS5837: 2012) of the retained trees.
 - Details of construction within the RPA or that may impact on the retained trees.
 - A full specification for the installation of boundary treatment works.
 - A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
 - Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
 - Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
 - Boundary treatments within the RPA
 - Methodology and detailed assessment of root pruning
 - Arboricultural supervision and inspection by a suitably qualified tree specialist
 - Reporting of inspection and supervision
 - Methods to improve the rooting environment for retained and proposed trees and landscaping.
10. Prior to the occupation of the development, the waste and cycle provisions shall be provided and in accordance with the approved plans unless agreed

in writing with the Local Planning Authority. The waste and cycle provisions shall be permanently retained thereafter.

11. Details of a scheme for the management of the car parking areas shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is first occupied. The plan shall include the following:

- details and location of parking spaces for people with disabilities;
- details and location of 20% electric vehicle charging points and details of a further 20% passive provision;
- details of parking layout and allocations (including details as to how the occupancy will be maximised through the lease of sales)
- details of measures proposed to restrict parking to designated bays only and prohibit parking on the access road.

The car parking areas shall thereafter be operated in accordance with the approved scheme at all times unless previously agreed in writing by the Authority.

12. Prior to the commencement of the development, a surface water drainage scheme for the site based on sustainable drainage principles, where possible, and an assessment of the hydrological and hydro geological context of the development has been submitted to, and approved by, the Local Planning Authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves a greenfield runoff rate. The development shall be carried out and retained for the lifetime of the development in accordance the approved details.

13. The demolition, earth removal, piling work and any mechanical building operations required to implement this development shall only be carried out between the hours of:

- Monday to Friday 8.00 AM - 6.00 PM;
- Saturdays 8.00 AM - 1.00 PM;
- And not at all on Sundays and Public and Bank Holidays.

14. The Ecological Management and Mitigation Strategy as approved under Condition of 30 of an earlier planning application reference 15/04941 shall be continued unless agreed in writing by the Local Planning Authority. In addition, the following details should be provided prior to the commencement of any construction works:

- Site A:

Details of protection fencing adjacent acid grassland habitat; and
Details of protection and mitigation measures for badger during constructions works.

- Site B:

Ecological supervision of the construction of the car parking space closest to the SINC pond;
Adequate RPA fencing for the surrounding retained trees;

Removal of Cherry Laurel and broad-leaved bamboo from the pond area; and,

Ongoing measures for the removal and control of invasive species (Japanese Knotweed).

The approved works shall thereafter be implemented, maintained and operated in accordance with the approved scheme at all times unless previously agreed in writing by the Authority.

15. The external lighting details hereby by permitted shall be strictly in accordance with the approved document. The lighting shall be installed and be operational prior to the first occupation of the development in accordance with the approved details and shall permanently be retained thereafter.

16. An updated car park management plan incorporating the as approved details under Condition 24 of an earlier planning application reference 15/04941 shall be submitted and approved in writing by the Local Planning Authority. The plan shall include the following detail:

- Car parking layout;
- Spaces allocation by dwelling type and size;
- Management of parking demand of the site including the wider site;
- Control of site gate; and,
- Monitoring and enforcement process.

The car park management plan as approved shall be implemented prior to occupation of the Development and shall thereafter be retained and maintained in accordance with the approved details.

17. Before any work on site is commenced above ground floor slab level a site wide energy assessment and strategy for reducing carbon emissions shall be submitted to and approved by the Local Planning Authority. The assessment shall include details of measures to incorporate PV panels in the development. The results of the strategy shall be incorporated into the final design of the buildings prior to first occupation. The strategy shall include measures to allow the development to achieve an agreed reduction in carbon dioxide emissions of at least 25% above the TER level required by the Building Regulations 2013. The development shall aim to achieve a reduction in carbon emissions of at least 20% from on-site renewable energy generation. The final design, including the energy generation shall be retained thereafter in operational working order, and shall include details of schemes to provide noise insulation and silencing for and filtration and purification to control odour, fumes and soot emissions of any equipment as appropriate.

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Report No.
DRR000000

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Wednesday 18th March 2020

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

Title: PLANNING SERVICE IMPROVEMENTS

Contact Officer: Tim Horsman, Assistant Director Planning & Building Control
Tel: 020 8313 4956 E-mail: Tim.Horsman@bromley.gov.uk

Chief Officer: Director of Housing, Planning and Regeneration

Ward: (All Wards)

1. Reason for report

This report sets out the current position in respect of continuous service improvements to the Planning Service.

2. **RECOMMENDATION(S)**

1. **Members are asked to agree the Local Planning Protocol for referral on to Full Council in April 2020 for adoption as part of the Council's Constitution**
2. **Members are asked to agree the updated scheme of delegation for AD Planning & Building Control for consideration at Full Council in April 2020 for adoption as part of the Council's Constitution**
3. **Members are asked to agree the approach set out in this report in respect of planning conditions and 'Lists' for planning committee agendas and reports**
4. **Members are asked to agree the recording of Plans Sub and Development Control Committee Meetings and whether they wish recordings to be published**

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

Corporate Policy

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

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Non-Recurring Cost:
 3. Budget head/performance centre: Planning Department
 4. Total current budget for this head: £1.653m
 5. Source of funding: Existing revenue budget 2019/20
-

Personnel

1. Number of staff (current and additional): 66.8ftes
 2. If from existing staff resources, number of staff hours:
-

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):
-

Ward Councillor Views

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

3. COMMENTARY

3.1 The previously considered recommendations for service improvements are set out below with the latest update information

Recommendation	Proposed Action	Update / Timescale
1. New Local Planning Protocol for Members	To be adopted by Full Council in April as part of Council Constitution	See para 3.2 below – draft Protocol attached for consideration
2. Reduce number of Members on DCC	Not agreed there are necessarily any strong benefits to this	No action at present
3. Criteria for applications to be considered at DCC	Planning Officers to draft criteria	Criteria agreed at DCC in October 2019 and in operation
4. Scheme of delegation to be broadened	Planning Officers to provide draft changes	Fully revised draft version of AD Planning delegated powers attached to this report for agreement – see para 3.5 below
5. ‘Call ins’ to be in writing with clear planning reasons	Councillors to note - to take immediate effect – reasons to be planning or strong public interest reasons	Ongoing
6. ‘Call in’ monitoring to be reported to DCC	Planning Officers to report every six months to DCC with first report to September DCC for the previous year	Report on this agenda
7. Format of committee agenda to be reviewed including ‘Lists’	Planning Officers to liaise with Legal and Democratic Services to review and produce draft revised report template	Planning application reports on this agenda in new format for final approval – also see para 3.7 below
8. Officer role at committee to be reviewed including presentations	Trial presentation of major cases at DCC by Officers	To be taken forward as set out in Planning Protocol see Para 3.X below
9. Quality of committee reports to be improved	Planning Officers to liaise with Legal and Democratic Services to review and produce draft revised report template	New report format agreed at Jan 2020 DCC and to be rolled out fully from April PSC – further information on conditions set out in Para 3.7 below
10. Review of appeal decisions and costs to be reported to DCC	Planning Officers to provide six monthly report to DCC	To be next reported to May DCC
11. Less emphasis on ‘local view’ at committee	Councillors to note – both local and strategic views to be considered to ensure balanced decision is reached	Ongoing
12. Substitutions at committee should not be related to Ward interest	This could impact on the ability to provide substitutes and may not be necessary as long as other recommendations are followed in	Ongoing

	respect of Member training and approach	
13. Where motion goes against Officer recommendation, clear reasons for refusal or conditions to be agreed before vote is taken	Councillors to note and action	Ongoing
14. Deferral of items where there is a risk of losing appeal and / or costs	This is potentially too onerous and would create unnecessary delay and additional committee time. This could be dealt with by a combination of better discussions with Ward Councillors during the planning application process and legal and planning officer advice at and before the meeting where appropriate.	Ongoing
15. Review of site visit procedures for committee members	This is already a feature with some cases and also that it can be difficult for Members to attend visits although visits can be arranged wherever possible. The inclusion of more information in the report and presentations at DCC will assist visualisation of impact where Members are unable to attend site visits.	Ongoing
16. Consideration of use of different room for committee meetings	This would cause practical difficulties in room booking (which takes place months in advance) as some meetings may require a larger space and this may not be known until close to the meeting. As an alternative, improvements to Council Chamber can be considered along with improvements to information available to attendees. Planning and Legal and Democratic Services Officers to action.	Ongoing
17. More pro-active approach to major pre-application discussions including early Member involvement such as presentations to committee and improved communication between Officers and Members	Planning Officers to action	Ongoing
18. Committee should include at least one Executive Member	Not agreed there are necessarily any strong benefits to this – strategic considerations can be represented by other committee Members and in the committee report	No action at present
19. Effective compulsory	In person and online training (at least quarterly) to be offered by Planning,	In progress

training should be provided for all committee members including substitutes and a list of trained Members retained	Legal and Democratic Services Officers but does not need to be compulsory (although strongly encouraged for committee members). List of trained Members not required as Members will be aware of available training and any gaps in their knowledge, as well as benefitting from a new Local Planning Protocol.	
20. Regular reports on performance of planning and appeals team	Previously agreed for quarterly reports to DCC, however now meetings are every 2 months, to be reported to every other meeting	Report on this agenda

Recommendation #1 – New Local Planning Protocol

- 3.2 The Planning Advisory Service report put considerable weight on the importance of a Local Planning Protocol for Bromley to help improve knowledge and decision making. This protocol would allow members and officers have a clear reference for procedures and approaches which are specific to Bromley as well as incorporating guidance from the PAS publication ‘Probity in Planning’ which strongly encourages the adoption of a local code.
- 3.3 Following initial consideration at January DCC, the draft Local Planning Protocol is appended to this report for final consideration by DCC. It is proposed to be considered at Standards Committee on 12th March following publication of this agenda and therefore any requested changes by Standards Committee will be reported verbally, and a revised draft published before the meeting if necessary.
- 3.4 It is intended that once approved by Development Control Committee, the Protocol will then be considered by Full Council in April 2020, to be adopted as part of the Council’s Constitution.

Recommendation #4 – Assistant Director Planning Delegated Authority

- 3.5 As part of a Council-wide review of Delegated Authority, the Assistant Director Planning’s delegated powers have been fully reviewed. The current and proposed updated versions are attached to this report for initial agreement by DCC before the fully revised version is presented to Full Council in April.
- 3.6 The key changes are set out below:
- reordering and rationalisation of existing powers into more coherent format
 - addition of requirement for reason when Members call in to withdraw delegated powers
 - removal of power to determine cases in CA and ASRC without one metre sidespace
 - addition of power to revoke hazardous substances consent
 - addition of power to agree s106 spending
 - addition of power to agree fees across the service in accordance with legislation
 - addition of CIL powers
 - addition of written agreement for delegated and non delegated matters with Chairman of DCC in respect of all Planning Policy matters

Recommendations #7&9 – Improvements to Committee Reports

- 3.7 Members approved the format of future planning application committee reports at DCC in January 2020. The planning application reports on this agenda include a revised approach to planning conditions which provides for a clear description of each condition in a list at the end of the report.
- 3.8 Providing the complete wording of each condition for larger applications was taking up a considerable amount of space on the agenda and creating additional potentially unnecessary paper wastage. The previous approach to conditions was to use a short code at the end of each report to reference each condition; however that did not make clear what the condition required. The approach set out in this agenda is proposed as a compromise between the full and short code approach and Members are asked to agree this for all planning application reports moving forwards.
- 3.9 Members are also asked to agree the deletion of ‘Lists’ from Plans Sub Committee agendas as these are at this time no longer considered to assist with the determination process. Council applications will continue to be clearly identified in the report header. Members should note that this would include the removal of List 4 and therefore any applications reported with a recommendation for refusal could be permitted at the same meeting.

Recording of Planning Committee Meetings

- 3.10 Members are also asked to consider whether the recording of Plans Sub and Development Control Committee meetings would be helpful to those attending and those unable to attend, if they were subsequently published.
- 3.11 There are a number of benefits of this including the availability of clear transcript of decision making, which can be useful at appeal, in dealing with complaints and to defend cost claims. The public availability of recording would enable those who could not attend a particular meeting to listen back to the discussion.

4. FINANCIAL IMPLICATIONS

- 4.1 Initial recommendations are likely to be absorbed within existing workload and there should be no substantial additional cost at this stage, however additional staff and / or financial resources may be required for training, evening meetings and other commitments involving greater staff input or external support. This will need to be assessed.
- 4.2 Better decision making may result in a reduction of costs awarded against the Council at appeal and some changes may reduce the cost of processing applications, for example those determined under delegated powers as opposed to committee decisions.
- 4.3 As a result, if these recommendations are approved and implemented, the impact on workloads and costs be need to be monitored, with a view to manage these changes within existing resources.

5. LEGAL IMPLICATIONS

- 5.1 The recommended measures should reduce the likelihood of successful legal challenge against planning decisions

6. PERSONNEL IMPLICATIONS

- 6.1 See financial implications above

Non-Applicable Sections:	Policy Implications Impact on Vulnerable Adults and Children Procurement Implications
Background Documents: (Access via Contact Officer)	Planning Advisory Service Report May 2019 Probity in Planning (PAS) December 2019 Bromley Council Constitution

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Report No.
DRR000000

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Wednesday 18th March 2020

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

Title: COUNCILLOR PLANNING APPLICATION 'CALL INS'

Contact Officer: Tim Horsman, Assistant Director (Planning)
Tel: 020 8313 4956 E-mail: Tim.Horsman@bromley.gov.uk

Chief Officer: Director of Housing, Planning & Regeneration

Ward: (All Wards)

1. Reason for report

As part of the recent service improvement recommendations, it was agreed that Councillor 'call-ins' for planning applications would be reported to Development Control Committee for information.

2. **RECOMMENDATION**

Members note the report.

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

Corporate Policy

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

Financial

1. Cost of proposal: Applications considered at committee cost more than those determined under delegated authority
 2. Ongoing costs: Recurring Cost:
 3. Budget head/performance centre: Planning / Development Management
 4. Total current budget for this head: £1.7m
 5. Source of funding: Existing budget
-

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: N/A
-

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

- 3.1 A report is brought to DCC every six months summarising the number of Councillor planning application 'call ins' and this figure broken down by Ward.
- 3.2 Officers have delegated authority to determine applications in a range of circumstances except where a Councillor makes a written request to 'call in' a specific application to committee.
- 3.3 The data provided below is for 'call ins' relating to applications determined by the Council during 2019. The data is presented in two tables: Figure 1 compares the basic data with the previous data reported in October and provides a total for 2019, and Figure 2 shows the 2019 data in more detail including appeal outcomes where available.
- 3.4 The data includes all cases which were subject to a 'call in' request (including 'conditional' call ins) and thus includes cases which may not ultimately have been determined at committee.

Figure 1 - Number of planning application 'call ins' for applications determined in 2019

Ward	Number of call ins Jan - Jun 2019	Number of call ins Jul – Dec 2019	Total 2019
Petts Wood and Knoll	18	12	30
Chislehurst	16	12	28
Darwin	8	4	12
Bickley	8	3	11
Bromley Town	9	1	10
Chelsfield and Pratts Bottom	5	5	10
Biggin Hill	4	5	9
Bromley Common and Keston	3	5	8
Shortlands	5	3	8
Crystal Palace	2	5	7
Farnborough and Crofton	4	1	5
Cray Valley East	2	2	4
Copers Cope	1	2	3
Hayes and Coney Hall	1	2	3
Orpington	2	1	3
Plaistow and Sundridge	3	0	3
Kelsey and Eden Park	1	1	2
Mottingham and Chislehurst North	1	1	2
Penge and Cator	1	1	2
West Wickham	0	2	2
Clock House	1	0	1
Cray Valley West	0	0	0
Total	95	68	163

Figure 2 - Call ins for applications determined in 2019 with additional detail

Ward	Number of 'call ins' for 2019	Appeal in Progress	Appeal Allowed	Appeal Dismissed	Recmdtn overturned at committee	Recmdtn Overturned and Appeal Allowed
Bickley	11	0	4	1	4	3
Biggin Hill	9	0	1	1	1	1
Bromley Common and Keston	8	0	1	0	2	1
Bromley Town	10	2	0	1	0	0
Chelsfield and Pratts Bottom	10	0	0	2	0	0
Chislehurst	28	0	2	3	4	2
Clock House	1	0	0	0	0	0
Copers Cope	3	2	0	1	0	0
Cray Valley East	4	1	1	0	1	0
Cray Valley West	0	0	0	0	0	0
Crystal Palace	7	1	0	2	2	0
Darwin	12	1	1	2	1	0
Farnborough and Crofton	5	0	0	2	0	0
Hayes and Coney Hall	3	0	0	0	0	0
Kelsey and Eden Park	2	0	0	0	0	0
Mottingham and Chislehurst Nth	2	0	0	0	0	0
Orpington	3	0	0	2	0	0
Penge and Cator	2	0	0	0	0	0
Petts Wood and Knoll	30	4	2	6	6	1
Plaistow and Sundridge	3	0	0	2	1	0
Shortlands	8	1	0	1	0	0
West Wickham	2	2	0	0	0	0
Total	163	14	12	26	22	8

With regard to the data in Figure 2, this will be updated in the next report as a number of the appeals against these decisions are still in progress

4. FINANCIAL IMPLICATIONS

Applications determined at committee result in a higher cost per application than those determined under delegated powers.

5. PERSONNEL IMPLICATIONS

Applications determined at committee result in more staff time and in particular a greater requirement for staff working outside of normal hours.

Non-Applicable Sections:	Impact On Vulnerable Adults and Children; Policy Implications; Legal Implications; Procurement Implications
Background Documents: (Access via Contact Officer)	N/A

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