

Executive : Item 12 'Bromley's Response to the Draft London Plan Consultation

Additional recommendation:

That the Chief Planner in consultation with the Leader be authorised to prepare and submit the Council's response to the London Plan consultation to the Mayor of London by 2 March 2018

Amendments (**in bold**) to Appendix 1 officer comments on selected policies, as recommended by Development Control Committee 25th January 2018

Policy SD6 – Town Centres

Comment:

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

The residential conversions of retail and commercial frontages can have detrimental impact on high streets and the operation of Business Improvement Districts (BIDs). Clause C of the policy could be more robust in this respect.

Policy SD7 – Town Centre Network

Comment:

The Council objects to Policy SD7 clause G 1) and Annex A1.3 which indicates 'medium residential growth potential' for Petts Wood and West Wickham district centres. This 'medium' potential for residential growth is the same as indicated for Orpington which is a 'major' centre. This 'one size fits all' approach to residential growth should not apply in conservation areas or where additional residential development will negatively impact the character of an area. Petts Wood has very limited potential for residential growth with much of the surrounding roads designated as an 'Area of Special Residential Character' (ASRC). Under this ASRC designation development proposals will be required to respect, enhance and strengthen the special and distinctive qualities of the area.

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

Policy D6 – Optimising Housing Density

Comment:

The Council supports a design-led approach to development sites but it is concerned that Para 3.6.1 seems to suggest that this approach will necessarily result in higher densities. Taking the local context and character into account, as required by other draft policies, may not lead to higher density development being the optimal solution. **Whilst Policy D6 references Policies D4 and D2 it does not reference Policy D1 which relates to the need for designs to respond to the local context. Policy D6 should therefore be strengthened in terms of the need for designs to respond to context and character and cross referenced to Policy D1 B.**

Policy D9 – Basement development

Comment:

~~To date the Council is not aware of negative issues resulting from so called “mega basement” development in the Borough, however it~~ **and** supports the spirit of the policy in protecting people and property and will review the need for local restrictions in the future.

Policy H2 Small sites (<0.25ha)

Comment:

See also above comments for Policy H1 Increasing Housing Supply

The Council has objections in relation to the proposed policy direction for sites of less than 0.25ha (or sites for 1-25 homes) based on the 2017 GLA SHLAA methodology as referred to in paragraph 4.2.4 of the Draft London Plan. The policy approach results in the Borough’s small site target increasing from 352 units per annum to 1029 units per annum. The change in methodology used to calculate small site targets was not consulted upon with the boroughs. The previous methodology used in 2013 was based on past trends of completions on sites of less than 0.25ha over an eight year period. During the most recent SHLAA process boroughs were aware that the methodology might be subject to change, possibly relating to the number of trend years used, but were not aware of the significant changes proposed as set out in the 2017 SHLAA evidence that have resulted in a three-fold increase of the figure for Bromley.

Reference is made to the need for design codes but no advice is given in the supporting text on the status of such codes. Where a design code is not in place the presumption is in favour of approving small housing development unless there is an unacceptable level of harm to residential privacy, heritage assets, biodiversity or a safeguarded land use. It is considered that other relevant policies in the Plan (including design policies) should be reflected in Clause E to ensure that future development on small sites respects its surroundings and does not adversely impact upon the residential amenity of existing and future occupiers.

Clause D, 2) d) specifies that one of the types of small housing development could be the infill development within the curtilage of a house. It is considered that this

could include the development of backland or garden land. **The Council strongly objects to the lack of protection for garden land.** See also comments in relation to Draft Policy D4 and the lack of reference in the consultation Draft Plan to any presumption against backland / private garden development in borough local plans. **The National Planning Policy Framework (NPPF) suggests that ‘Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area’ (para 53); clarifies that private residential gardens do not constitute previously developed land and advises in para 48 that they should not form part of windfall allowance in the five-year supply.**

The Council considers that ~~this type of~~ **small site** development should be assessed in relation to: the impact on character, appearance and context of an area, no unacceptable loss of landscaping, natural habitats, play space or amenity space and no adverse impact upon the residential amenity of future or existing occupiers. If a design code is not in place the criteria set out in clause E would not cover the latter aspects **and could give rise to an unacceptable level of harm to residential privacy.**

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

Policy H5 Delivering affordable housing

Comment:

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

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

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

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

Policy H16 Gypsy and Traveller accommodation

Comment:

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

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

Subject to the findings of the Inspector sets targets for Bromley over the next 10 years which can be accommodated from within the proposed Local Plan allocations. The Council objects, as it did in 2009, to the proposed 'fall back' targets for Boroughs who have not undertaken an assessment are set within the GLA Gypsy and Traveller Accommodation Topic Paper 2017. The targets based on the 2008 GTANA and are skewed by a formulaic approach to psychological aversion **applied to travellers living in bricks and mortar. Bromley has a significant settled (bricks and mortar) traveller community and therefore the formula produces artificially high targets and** which does not reflect the need experienced through Council waiting lists. **The Council successfully made representations on this point during the development of the London Plan 2010 when t**The 'mid point approach', ~~which~~ was considered, subsequently reduced and ultimately rejected altogether. ~~in the development of the London Plan 2010, produces artificially high targets.~~

Policy S7 Burial Space

Comment:

The Council supports the protection of cemeteries and the reuse of burial space but has concerns regarding the implications of a sub-regional approach and the pressure that might place on Bromley's open spaces, particularly with regard to built development (chapels ~~and~~, crematoria **and mausoleums**).