

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: 24 September 2020

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

Title: BROMLEY HOUSING TRAJECTORY 2020

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Ward: (All Wards);

1. Reason for report

- 1.1. National planning policy requires Local Planning Authorities to identify a supply of housing to provide a minimum of five years' worth of housing against their housing target. Bromley's current five-year housing land supply (FYHLS) position was agreed by Development Control Committee in April 2019. This report sets out an updated housing trajectory for period of the Bromley Local Plan, split into projections for years 1-5 (the FYHLS, covering 01/04/2020-31/03/2025), years 6-10 and years 11-15.
- 1.2. The report concludes that the Council cannot demonstrate a FYHLS. Where a minimum of five years housing supply cannot be demonstrated, the presumption in favour of sustainable development (set out in paragraph 11 of the NPPF) is triggered.
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2. **RECOMMENDATION(S)**

- 2.1 **That Members agree the Bromley Housing Trajectory provided at Appendix 1, including the updated five-year housing land supply position for the period 01/04/2020-31/03/2025.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: No impact
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Corporate Policy

1. Policy Status: Not Applicable
 2. BBB Priority: Regeneration
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Financial

1. Cost of proposal: No cost.
 2. Ongoing costs: No ongoing cost.
 3. Budget head/performance centre: Planning Policy and Strategy
 4. Total current budget for this head: £0.596m
 5. Source of funding: Existing Revenue Budget for 2020/21
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Personnel

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

1. Legal Requirement: No legislative requirement. Requirements set out in National Planning Policy Framework and Planning Practice 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): N/A
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Ward Councillor Views

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

3. COMMENTARY

Background

- 3.1 The National Planning Policy Framework (NPPF) requires Local Planning Authorities (LPAs), as part of preparing a Local Plan, to prepare a trajectory illustrating the expected rate of housing delivery over the plan period. LPAs should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing target; this is known as the five-year housing land supply (FYHLS).
- 3.2 For a site to be included within the FYHLS, it must meet the definition of 'deliverable' set out in the NPPF. Sites projected to deliver beyond the FYHLS period must meet the definition of developable set out in the NPPF.
- 3.3 Section 2 of the Bromley Housing Trajectory 2020 document at Appendix 1 sets out the detailed policy context which informs the production of a housing trajectory. This identifies relevant sections of the NPPF and Planning Practice Guidance (PPG) and policies in the Bromley Local Plan and the draft new London Plan, as well as relevant planning case law and appeal decisions.

Housing trajectory and FYHLS update 2020

- 3.4 The current five-year housing land supply (FYHLS) position was agreed by Development Control Committee in April 2019.
- 3.5 In June 2019, an appeal decision¹ was issued for land to the rear of the former Dylon International Premises. This decision assessed sites in the April 2019 FYHLS against the 2019 NPPF definition of deliverability. The Inspector concluded that, at best, the Council had a 4.25 years housing land supply, which meant that the Council was unable to demonstrate a FYHLS. It was agreed that the level of undersupply was significant; this has been the Council's position on the FYHLS following the Dylon appeal up to the present; as a result, the presumption in favour of sustainable development (set out in paragraph 11 of the NPPF) has applied to relevant applications during this period.
- 3.6 This means that policies which are most important for determining an application are classed as 'out-of-date' (such as policies concerning housing supply in situations where a FYHLS cannot be demonstrated). As per paragraph 11 of the NPPF, for decision-taking this means that permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance (set out in NPPF footnote 6, which includes Green Belt and by extension Metropolitan Open Land) provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. However, it should be noted that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 3.7 Officers have prepared an updated FYHLS as part of the overall Bromley Housing Trajectory which projects delivery over the fifteen-year period between 2020/21 and 2034/35. Preparation of the trajectory first involved developing an updated methodology; this is outlined in detail in section 3 of the appended trajectory document. In summary, the methodology is as follows:
 - Base date – this relates to the start date for the FYHLS period. The FYHLS period covered by this trajectory is 2020/21 to 2024/25, hence the base date is 1 April 2020. It is

¹ Appeal ref: APP/G5180/W/18/3206569, available here:

<https://acp.planninginspectorate.gov.uk/ViewDocument.aspx?fileid=33031530>

acknowledged that publication of this trajectory is halfway into the first year of the period, but this is in line with the NPPF and PPG. Only planning permissions up to 31/03/2020 have been included, i.e. those permissions that were known at the base date.

- Housing target – the draft new London Plan target of 774 units per annum has been used for the purposes of this trajectory. Although this is not yet adopted policy, it is considered to have significant weight, hence it is appropriate to use it. A 5% buffer has been applied to the target for the FYHLS, in line with the NPPF. The level of buffer applied is usually informed to the results of the housing delivery test. Where housing delivery over a specified three-year period is 85% or more of the housing target for this period, a 5% buffer is applied. Where it is less than 85%, a 20% buffer is applied. Bromley have exceeded housing delivery targets (113% delivery) based on the latest Housing Delivery Test results.
- Large sites – a large site is defined as a site which is 0.25 hectares/2,500sqm and above. The FYHLS includes large sites which are considered deliverable as per the definition in the NPPF. A number of large sites are also included within years 6-10 of the trajectory; these are considered developable as per the definition in the NPPF. No lapse rate has been applied to large sites, as these sites have been checked in detail and their inclusion reflects evidence that they are deliverable.
- Small sites – a small site is defined as a site which is under 0.25 hectares/2,500sqm. The trajectory assumes small site delivery from two sources:
 - permitted small sites – the trajectory uses the total number of extant permissions (permitted as of 31/03/2020) and then applies a lapse rate to account for the potential for some of these sites to not build out. Finally, a deduction is made with regard to assumed housing delivery in 2019/20; it is likely that some of these extant schemes will have completed in 2019/20 but actual completion data was not available at the time of writing, therefore this deduction is based on trend data. Average completions data, based on past small sites completions, was used to sense check the small sites phasing, particularly the likelihood of permitted small sites being delivered within the FYHLS period.
 - a windfall assumption – has been included which reflects the likely delivery of as yet unknown small sites. This approach is justified by the draft new London Plan. The windfall assumption has been applied from year three of the FYHLS onwards. As with permitted small sites, average completions data was used to inform this phasing.
- Lapse rate – the housing trajectory includes projected housing delivery from a number of planning permissions that are extant at the time of writing. However, it is recognised that not all these permissions will come forward; based on the standard commencement condition, a planning application will ‘lapse’ if it is not implemented within three years of the date of grant of planning permission. It is therefore considered necessary to apply a lapse rate to certain extant planning permissions in order to reflect the possibility that some of these permissions may not come forward. For the purposes of the 2020 housing trajectory, the Council have applied a lapse rate to permitted small sites (i.e. those less than 0.25 hectares). The lapse rate has been determined by analysing approved planning applications from 2008/09 to 2018/19, and reflects specific lapse rates for different sized developments on small sites.
- Unit numbers – housing delivery is categorised as either conventional (or self-contained) housing, or non-self-contained housing; these different types of housing are counted in different ways in terms of how they contribute to meeting identified housing targets. Conventional housing is general self-contained housing (houses and flats). It is counted on

a per unit basis, i.e. every new house or flat counts as one unit of delivery. Non-self-contained housing can include care homes, supported housing, Houses of Multiple Occupation (HMOs) and purpose-built student accommodation. This has historically been counted on a per bedroom/bedspace basis, i.e. every bedroom/bedspace counts as one unit of delivery; however, the draft new London Plan sets out different approaches for counting different types of non-self-contained accommodation. This trajectory reflects the draft new London Plan.

3.8 Applying this methodology, the updated Bromley housing trajectory is as follows:

	Years 1-5						Years 6-10	Years 11-15	Years 1-15
	2020/21	2021/22	2022/23	2023/24	2024/25	TOTAL	TOTAL	TOTAL	TOTAL
Conventional	366	355	657	659	553	2,590	4,247	1,895	8,732
<i>Large sites</i>	80	70	278	280	174	882	2,352	0	3,234
<i>Small sites permitted prior to start of trajectory period (lapse rate applied)</i>	286	285	0	0	0	571	0	0	571
<i>Small sites windfall assumption</i>	0	0	379	379	379	1,137	1,895	1,895	4,927
Non-self-contained	0	100	0	0	0	100	0	0	100
Total projected housing delivery	366	455	657	659	553	2,690	4,247	1,895	8,832
Housing target (774 units per annum) + 5% buffer	813	813	813	813	813	4,064	3,870	3,870	11,804

3.9 The table shows that Bromley's FYHLS (covering the period 2020/21 to 2024/25) is 2,690 units, or **3.31 years** supply. This is acknowledged as a significant undersupply and means that the 'presumption in favour of sustainable development' will continue to apply.

3.10 The table shows the projected housing supply for years 6-10 and 11-15. Years 6-10 include projected delivery from a number of sites allocated in the Local Plan which are considered to be 'developable' as per the definition set out in the NPPF; these sites will deliver 20% of the total housing target for the trajectory period, which, alongside small site projections means that there is a strong future supply of housing in the Borough. This is important context for the FYHLS as well, given the potential for the sites currently within years 6-10 to become demonstrably deliverable in the near future and help to bridge the current FYHLS gap.

3.11 In addition, there are other non-allocated sites, including a potential large-scale housing development at the Walnuts Shopping Centre in Orpington, which are considered likely to come forward in the short to medium term. However, these sites have not been included in the figures for the 2020 trajectory, given the current uncertainty about details and timings.

Next steps

3.12 As required by the NPPF, the intention is to keep the housing trajectory up-to-date and publish a new iteration at least annually. As noted above, the trajectory at Appendix 1 was compiled

ahead of up-to-date completions data being available. When this data does become available, it can be taken into account in conjunction with the 2020 housing trajectory. An updated trajectory may be brought to Development Control Committee, depending on the scale of the impact that actual completions data has on the trajectory, particularly the FYHLS position.

3.13 Paragraphs 3.10 and 3.11 note the potential for some large sites to come forward and hence these may then be defined as 'deliverable' and may be included in the FYHLS. Where the status of these sites changes and impacts on the FYHLS figures, an updated trajectory will be brought to Development Control Committee.

4. POLICY IMPLICATIONS

4.1 The housing trajectory is important to establish how the Borough is performing in terms of housing completions and future housing supply, particularly the FYHLS. As noted above, where a FYHLS cannot be demonstrated, the presumption in favour of sustainable development is triggered.

4.2 The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making (as set out in S38(6) of the Planning and Compulsory Purchase Act 2004).

5. FINANCIAL IMPLICATIONS

5.1 The housing trajectory, particularly the FYHLS, should be updated at least annually, taking into account relevant available information. Without an understanding about whether a FYHLS can be demonstrated, the Council may need to expend significant resources (in terms of finance and staffing) to justify and defend a FYHLS position at individual appeal hearing and public inquiries.

6. LEGAL IMPLICATIONS

6.1 The requirement to produce a housing trajectory is not set out in legislation. It is a national planning policy requirement. The 2020 housing trajectory is consistent with national planning policy and guidance.

Non-Applicable Sections:	
Background Documents: (Access via Contact Officer)	<p>Bromley Local Plan 2019 - https://www.bromley.gov.uk/download/downloads/id/4768/bromley_local_plan.pdf</p> <p>The London Plan 'Intend to Publish' version, December 2019 - https://www.london.gov.uk/sites/default/files/intend_to_publish_-_tracked.pdf</p> <p>National Planning Policy Framework (February 2019) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf</p> <p>National Planning Practice Guidance (September 2019) - https://www.gov.uk/guidance/housing-supply-and-delivery</p>

LB Bromley Five Year Housing Land Supply April 2019 -
https://www.bromley.gov.uk/download/downloads/id/4952/five_year_supply_of_deliverable_land_for_housing_april_2019.pdf

LB Bromley five year housing land supply paper April 2019 Development Control Committee report -
<http://cdslbb/documents/s50067885/LB%20Bromley%20Five%20Year%20Housing%20Land%20Supply%20Paper%20February%202019PART%201%20REPORT%20TEMPLATE.pdf>