

Schedule of Representations to the Office Clusters Article 4 Direction consultation; and LB Bromley responses.

ID	Organisation	Summary of Representation	Council's Response
001	Clarion Housing Group	<p>Clarion Housing occupy office accommodation at 157-159 Masons Hill.</p> <p>They are the largest housing association in the country, owning and managing 125,000 homes across 170 Local Authorities. Clarion Housing is part of Clarion Housing Group, which is made up of not for profit and commercial subsidiaries. This generates revenues to support social housing residents and provide affordable homes.</p> <p>Paragraph 1 (9) of Schedule 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) stipulates that in deciding whether to confirm a direction made under Article 4 (1), the local planning authority must take into account any representations received during the representation period specified in accordance with sub-paragraph (4)(d) of the same. In this respect, please see an <b>OBJECTION</b> to the proposed Article 4 Direction.</p> <p>The National Planning Policy Framework (NPPF) 2019 states at paragraph 53 that:</p> <p><i>The use of Article 4 directions to remove national permitted development rights <b>should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area</b> (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities).</i></p> <p>This is reiterated in the National Planning Practice Guidance (NPPG entitled "When is permission required?") which further states at Paragraph: 038 Reference ID: 13-038-20190722 that:</p> <p><i>The potential harm that the direction is intended to address will need to be clearly identified, and <b>there will need to be a particularly strong justification for the withdrawal of permitted development rights</b> relating to:...</i></p> <ul style="list-style-type: none"> <li><i>cases where prior approval powers are available to control permitted development.</i></li> </ul> <p>The NPPF centres on sustainable development consisting of an economic, social and environmental role. This includes providing the supply of housing to meet the needs of current and future generations, but also providing sufficient land in the right places to support economic growth.</p> <p>The NPPF 2019 at Section 11 sets out the government's expectations with regard to making efficient and effective use of land. Particularly, how planning policies and decisions need to reflect changes in demand for land (paragraph 120), informed by regular reviews of land allocated for development in plans and land availability.</p> <p>Such flexibilities are persistent throughout national policy, in taking account of need for different types of development, promoting regeneration and change and the importance of securing well-designed, healthy places. In particular, the government through national policy consistently reiterate the importance of making use of brownfield land within settlements that are no longer required for its current use or fit for purpose in order to ensure housing and other development needs are met.</p> <p>In line with these national policy positions, the government has made clear their intention to remove planning barriers on</p>	<p>The relevant legislation, policy and guidance was all considered when the decision to make the Direction was made. The Council considered at that time that the Direction was justified, and this is still the case in January 2021. The evidence and justification for the Direction is reiterated in the January 2021 DCC report.</p> <p>The cluster is part of the adopted, up-to-date Local Plan; the Direction will give additional protection to over 6,000sqm of office floorspace, which is a significant amount both in the immediate locality and as part of the overall Borough office supply.</p> <p>The respondent considers that the Direction would frustrate the intent of Government policy, but it is noted that A4Ds are a mechanism in current national legislation which local planning authorities can legitimately use; the SoS is the arbiter of whether an individual Direction frustrates the intent of national policy, as he has the ability to</p>

	<p>sites which are no longer required for their original purpose. This has been brought forward through Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), and more recently under Class ZA within the Town and Country Planning (General Permitted Development) (England) (Amendments) (No.3) Order 2020, which allows for the demolition and replacement of specific buildings subject to certain criteria.</p> <p>These permitted development rights are a core part of the government's ambition to drive sustainable, flexible and vibrant communities and places, ensuring the efficient and effective use of brownfield land, and thereby reducing pressure on more constrained areas of the borough to deliver those needs.</p> <p>Such flexibilities are particularly critical in Bromley given the constrained nature of the borough outside the settlement limits. It is paramount that all sites within the settlements and in sustainable locations retain the planning flexibilities afforded by the government to respond to the market and changing patterns of working. In particular, at this time where a greater proportion of the workforce are working from home part, if not full, time, it is necessary that sites such as Masons Hill can be flexible to respond quickly to changing demands at a local level, in order to ensure the future sustainable use of the site.</p> <p>This is a core part of the government's proposed planning reforms under the Planning for the Future White Paper, which proposes a simpler framework that supports a more competitive market and therefore more resilient places. Key to this, as set out in Pillar 2, is offering greater flexibility in the use of land to meet changing economic and social needs – thereby delivering homes and workplaces where they are needed to provide a flexible labour market and opportunity for economic growth, where the market needs it. Given the government intention to enable the market to respond to needs of the area, any proposal to restrict such flexibilities will undermine the ability for local areas to respond effectively, as necessary, to the changing demands.</p> <p>With regard to the local amenity test set out in the NPPF, the surrounding area is mixed use by nature, with local shopping frontages on Masons Hill and Homesdale Road including offices, retail, café/pub/take away, together with care and residential. There are a notable number of 'commercial' units along these roads which, in the event Masons Hill was converted, would retain the mixed-use character of the area and continue to provide the necessary amenity facilities to support the local residents and workforce. Therefore it cannot be justified that the retention of planning flexibilities for conversion of Masons Hill Office Cluster would harm the local amenity or well-being of the area. Rather, the ability to change of use at Masons Hill Officer Cluster, if necessary, would support these local facilities through footfall and custom that may otherwise be lost were the building to fall out of use. In the long term, the change to the Use Classes that have come into force on 1 September 2020 will enable the remaining units to respond to provide for the needs of the community, which aligns with the flexibilities proposed by government and will enable units to change to meet local needs.</p> <p>Further, matters of flood risk, noise, contamination and highways impact form part of the Prior Approval process and therefore would remain to be fully considered. Therefore, the retention of permitted development rights on this site will enable flexibility to ensure that in the event buildings are no longer required for their current purpose, they can be brought into further use without delay to support the local community and economy.</p> <p>Overall, for the reasons set out above, whilst the site is allocated within the Local Plan for office use, it has not been demonstrated to be necessary to protect the Masons Hill Office Cluster through an Article 4 Direction and there is not any particularly strong justification for the withdrawal of permitted development rights. This is therefore contrary to national planning policy and guidance. The proposal will directly contradict the government's objective to remove unnecessary planning applications from the system, and could frustrate the market from actively</p>	<p>modify or cancel Directions. To date, the SoS has not signaled any intent to intervene with this Direction.</p> <p>The Direction does not prevent a planning application coming forward, but would ensure that up-to-date Local Plan policy is applied to ensure that the loss of office is fully justified.</p> <p>With regard to local amenity, this is not defined in the PPG but the Council consider that it is not limited to the immediate area; the concept of amenity in this regard can potentially be Borough-wide. In terms of the Direction in question, it is covered by an employment designation which has wider significance, which will help ensure key employment growth within the local economy.</p>
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