



LONDON BOROUGH OF BROMLEY **LOCAL PLAN EXAMINATION**

HEARING STATEMENT

15TH November 2017

ISSUE 3 – SPATIAL STRATEGY

This statement has been prepared on behalf of Langford Walker Limited, Joseph Samuel Corporation Limited and Mr P Antill

THE ISSUE

Is the spatial strategy for Bromley sound having regard to the needs and demands of the Borough; the relationship with national policy and Government objectives; the provisions of the London Plan and the evidence base and preparatory processes. Has the Plan been positively prepared.

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1. (Q8) The Plan is **NOT** in conformity with the London Plan as required by the provisions of Section 24 of the 2004 Act.
 2. Policy 3.3 of the London Plan and accompanying paragraph 3.19i states that Boroughs should seek to achieve and exceed the relevant minimum Borough Annual Average Housing Target and that Boroughs should draw on the housing benchmarks in developing their Local Plan targets, augmented where possible with extra capacity to close the gap between identified housing need and supply.
 3. The Local Plan does not comply with this policy in that the housing requirement that is set out is the minimum annual housing target in the London Plan and there is little or no evidence in the Local Plan of a strategy as to how the minimum target will be exceeded or how the Plan will seek to close the gap with the Borough's OAN of 1,320 dpa as set out in the 2013 Strategic Housing Marketing Assessment (SHMA).

4. The Greater London Authority in its Regulation 19 representation of the 30th December 2016 advised the Borough that the draft Local Plan does not set a strong direction in attempting to exceed the minimum housing target and that this is a particular concern for Bromley. The Borough pressed ahead regardless seemingly content that there was no obligation upon it to try and provide for the housing needs of the Borough's population and, no doubt, hopeful that it could get away with that is, essentially, a negative rather than a positive strategy.
5. (Q9) This negative spatial strategy in the Local Plan will not sustainably deliver the new development needed over the Plan period. The evidence is that the need for housing far exceeds what the Local Plan is proposing to deliver. Whilst the Plan seeks to make provision for identified educational needs during the Plan period it conspicuously fails to adopt the same approach in respect of housing development. This is a fundamental deficiency in the Local Plan and goes to the point as to whether or not it is sound.
6. Paragraph 47 of the NPPF states that Local Planning Authorities should use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area. The Local Plan patently fails to do this.
7. (Q12) The preparatory work for the Plan is wholly inadequate, given the need to accommodate not just new educational provision but also other development needs. The evidence base for the Local Plan is deficient in not incorporating a full, comprehensive and independent review of Green Belt, Metropolitan Open Land, Urban Open Space and other safeguarded land in order to inform an assessment of whether there are the opportunities to adjust boundaries and to direct development to locations which sequentially are identified as being sustainable, and which are justified on the basis of the exceptional circumstances that relate to meeting urgent and compelling housing and other development needs.

8. In reality, the Council has pre-determined the spatial strategy of the Local Plan by, as a matter of policy, refusing to review land that is the subject of safeguarding policies other than in connection with educational need. This is made plain by paragraph 1.4.2 of the Local Plan which states that the focus of the spatial strategy includes protecting and enhancing the Borough's varied open spaces and natural environment. But no balancing exercise has been undertaken which weighs the uncertainty of reliance upon unidentified windfall land coming forward as against the reasonable alternative of the certainty of identified sites assessed as having no open space value for which continued safeguarding need not apply. The Borough's strategy might be justified if land free from safeguarding constraints is available, on the evidence, to meet other identified development needs. But that is clearly not the case in Bromley with no such available land and the decision to set the minimum housing target in the Local Plan in defiance of the manifest need for additional housing is a clear consequence of this strategy of restraint.
9. Without assessing merits of land that, in most cases has been safeguarded since the first Bromley Borough Plan in 1984, how is the Council to know if there are reasonable alternatives to the strategy that it has chosen to pursue? Plainly the Local Plan fails, therefore, to consider all approaches and alternatives to meeting the Borough's development needs.
10. The Local Plan has not been **positively prepared**. The strategy does not seek to meet OAN as required by the NPPF and, as the representations from the GLA make plain, the requirements of the London Plan.
11. The strategy of the Plan has not been properly and reasonably **justified**. There is a failure to prepare the appropriate evidence base contrary to paragraphs 83, 84, 158 (and subsequent paragraphs) of the NPPF. There is no testing in the Local Plan against reasonable alternatives for meeting development needs.

12. The Local Plan does not provide an **effective** strategy for delivery of the various development needs in the Borough over the Plan period. The Local Plan does not appear to be based on any effective joint working with neighbouring Authorities on strategic priorities. Meeting occasionally with neighbouring Authorities does not constitute an effective strategy for addressing development priorities which transcend administrative boundaries and relate to the functioning of London and its population as a whole.
13. The Local Plan is not consistent with national policy. It fails conspicuously to comply with the NPPF in relation to delivering the sustainable development that is identified as being necessary to house, educate, provide employment and all the other development needs of, the population of the Borough.
14. The Local Plan is **unsound** having regard to paragraph 182 of the NPPF.

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LONDON BOROUGH OF BROMLEY **LOCAL PLAN EXAMINATION**

HEARING STATEMENT

15TH November 2017

ISSUE 5 – HOUSING GROWTH & AFFORDABLE HOUSING

This statement has been prepared on behalf of Langford Walker Limited, Joseph Samuel Corporation Limited and Mr P Antill

THE ISSUE

Are the policies for housing growth and affordable housing justified, deliverable and consistent with national policy

Background

1. Bromley is a serial offender in refusing to make appropriate provision to meet housing need in the Borough let alone the wider need for more housing in London generally.

2. In a report to the Council's Development Control Committee on the 3rd August 1999 relating to the residential development of land at the former Glaxo Wellcome Research Laboratories in Beckenham the Council's Chief Planner stated that, "*Bromley is a Borough which is constrained in terms of its supply of housing land by a tightly drawn Green Belt boundary and by substantial areas of Metropolitan Open Land and Urban Open Space within the existing built up area. However, the Borough does have large areas of relatively low density housing and, historically the majority of new residential development has been provided through the infilling and redevelopment at higher densities of existing housing land. However, even given the extent of this windfall provision, it is evident that the supply of new housing in the Borough is presently*

falling well short of that required to meet the requirements set out in Regional Planning Guidance”. (APPENDIX 1)

3. In 2004 the UDP Inquiry Inspector pointed to the fact that the housing completions since 1997 had not kept pace with the housing requirement and that there was an historic shortfall by then of some 1,000 dwellings. The Inspector recommended that the Council must look to increasing the number of allocations and sites identified for the delivery of the additional housing. She also recommended the use of ‘reserve’ sites. She also recommended that the Council should take a proper sequential analysis of all potential housing sites in the Borough, which would include sites safeguarded as Green Belt, Metropolitan Open Land and Urban Open Space. She concluded that the UDP could be more proactive in identifying additional sources of housing supply. (APPENDIX 2)
4. The Secretary of State also issued a ‘*holding direction*’ preventing the Council from adopting the UDP until it committed to bringing forward an early review of its housing policies.
5. The Council commissioned Nathaniel Lichfield & Partners to undertake a detailed study of housing issues and a sequential and suitability assessment of sites in the Borough including those protected by GB, MOL and UOS designations. Lichfields concluded that the Council’s housing needs could not be met without large scale releases of GB, MOL & UOS.
6. The report recommended the release of four sites, one of which was Council owned. The three non Council owned sites were Blue Circle, Bromley Common (GB), land at Copers Cope Road, Beckenham (MOL) and land at Oakley Road, Bromley Common (UOS). The Council refused to accept the advice of Lichfields and of its own Chief Planner and adopted the UDP without any changes. Subsequent planning applications in respect of these three sites were all subsequently allowed on appeal.

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7. In the Blue Circle decision of the 11th November 2007, the Secretary of State was extremely critical of the Borough. She allowed an appeal for the erection of 850 houses on Green Belt land. (APPENDIX 3) The Secretary of State commented that there had been a continuous shortfall in housing delivery between 1997 and 2007 and that the shortfall in supply in 2007 was in excess of 1,500 dwellings. She noted that, having chosen to reject the advice of the UDP Inspector, its own consultants and Planning Officer as the Council did, the Secretary of State would have expected the Council to take early steps to meet housing need. She concluded that the failure of the Council following adoption of its UDP to devise any implementation strategy, there was no prospect of sufficient land being identified and available to meet housing needs of the area.
 8. The similarities between what occurred in 2004 – 2007 and the current situation in respect of the draft Local Plan are striking.
 9. No review of either GB, MOL or UOS boundaries or of housing policies subsequently came forward from the Council, despite the Secretary of State's views and, having 'lived off' the completions from Blue Circle and the other sites and having enjoyed the benefit of the London Plan 2011 wiping away the historic shortfall and allowing the Borough to reset, its housing figures, the Council is still refusing to bring forward a strategy which balances the policies of restraint and the need for new housing allocations.

Need

10. The housing requirement in the Local Plan of 641 dpa is based on a London Plan requirement which the examination Inspector into the London Plan concluded ***“will not deliver sufficient homes to meet objectively assessed need”***. He further concluded ***“non adoption of the FALP would result in the retention of the existing housing targets in London which are woefully short of what is needed.”*** (APPENDIX 4)

11. The London SHMA 2013 provided the latest assessment of housing need at the time of the drafting of the Local Plan. This set an OAN for Bromley of 1,320 dpa. Housing need in Bromley is, therefore, more than double the housing requirement set out in the Local Plan.
12. New capacity based housing targets for the London Plan were published by the GLA on the 27th October 2017 and the new draft London Plan is due to be published on the 1st December. This will set an annual housing need figure for Bromley of 1,424 dpa. The 1,424 dpa figure is capacity constrained and is only some 45% of the housing need figure for Bromley projected by the Government's new proposed standardised housing need methodology. This methodology would set a housing requirement of 2,564 dpa.
13. In the circumstances, the Local Plan has not properly assessed housing need in the Borough nor the contribution that the Borough could or should make to housing need in London.

Supply

14. (Q17) The Council has not properly justified the windfall allowance contained in the Local Plan.
15. In the Five YHLS calculation ¹. The windfall allowance of 1,139 units comprises 31% of the alleged supply. This is completely contrary to national policy at paragraph 48 of the NPPF and the London SHLAA which states that dependence on windfall capacities should be minimised. The current Local Plan continues to pursue an approach which the UDP Inspector in 2004 criticised as leading to a significant degree of uncertainty regarding the delivery of a large proportion of housing.

¹ London Borough of Bromley Five Year Housing Land Supply Paper November 2017

16. The fact of the matter is that the upturn in housing completions in the last few years has been as a result of sites such as Blue Circle and Anerley Boys School (129 units on MOL allowed on appeal in 2009) coming forward. Blue Circle alone has produced 150 dpa for the last six years. It completed in early 2017.
17. (Q18) The question as to whether the Borough is able to demonstrate a five year housing land supply was answered by the 'Dylon' decision in 2016 to which other consultants have made detailed reference. It is not proposed to repeat all of that evidence save only to say that I agree fully with the submissions that the Council is demonstrably unable to currently demonstrate a five year housing land supply.
18. The historic evidence is that there have been lapse rates in Bromley of up to 50%. (See Blue Circle decision) Instead of accepting the evidence, the Council has purported to undertake a '*risk assessment*' on sites with planning permission and used this as a basis for rejecting the Dylon Inspector's conclusion and adopting a stance that 100% of permissions granted will translate into completions. This is a wholly unsustainable and untenable stance. I agree fully with the critique of the Council's stance undertaken by other consultants.
19. The reality is that there is no strategy for addressing any future under supply. Given that no safeguarded land is to be released, that there is little or no surplus employment land, that there are no policies which identify specific locations where higher densities will be permitted and the Council's track record of refusing applications for intensification in the large suburban areas of the Borough, the continuing under supply of housing that has occurred over the last 20 years looks set to continue into the future if the present strategy is adopted.
20. Planning by appeal will continue and the significant proportion of the housing completions in the Borough, that are allowed in this way, will remain the future pattern; a mockery of proper, positive spatial planning.

21. (Q20) A number of the sites identified in the Five YHLS are unlikely to come forward within five years. The identified site adjacent to Bromley North Station has been an allocation since the 2006 UDP. The site is subject to significant constraints as the evidence of the Bromley Civic Society highlight. There is no evidence to suggest any likelihood of resolution to the constraints of this multi ownership site anytime soon. Interestingly, also the identified site at Homefield Rise site Orpington, has recently been refused planning permission by the Council!
22. (Q21) Given the heavy reliance of the Plan on windfall sites and the limited number of allocations there is little or no flexibility in bringing forward additional sites in order to remedy any shortfall in supply.
23. Whilst in certain circumstances there may be merit in allowing a Local Plan to proceed if accompanied by a commitment to an early site allocations DPD and/or main modifications involving additional site proposals, (as appears now to be the case in Mid Sussex), the magnitude of what is required to achieve a properly assessed, tested and sustainability appraised selection/allocation of sites to achieve a housing requirement figure of 1,424 dpa or more in Bromley seems to me to be wholly impossible in this case.
24. (Q23) The delivery of affordable housing in the Borough in the last few years has been woeful, 28 units in four years. In order for affordable housing supply to be increased, there needs to be an overall and significant increase in the supply of housing generally.
25. Given that most of the windfall sites that come forward in the Borough are 9 units or less there is little opportunity for securing increased affordable housing provision without the allocation of larger sites. The spatial strategy of the Local Plan is not to provide for such allocations on land which is safeguarded and there is little other land in the Borough available to provide such affordable provision. There is little prospect, therefore, of any early resolution to the affordable housing crisis in Bromley which now has record levels of homelessness and people in temporary accommodation.

26. Drawing all of the above matters together, my view is that the recent publication by the GLA of the new Borough housing targets, albeit that they are presently in draft, should lead to the Council withdrawing the Local Plan, committing to a full and independent review of all land in the Borough including GB, MOL and UOS and bringing forward a new local plan which contains appropriate, properly assessed, sustainably and sequentially tested allocations for new housing development sufficient to deliver a minimum of 1,424 new homes in the Borough per annum for the next ten years.

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APPENDIX 1



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH.
TELEPHONE: 0181-464 3333 EXTENSION:



Contact 3343
Date Andrew Palmer
29 July 1999

To: Members of the
DEVELOPMENT CONTROL COMMITTEE

Councillor Gostt (Chairman)
Councillor Mrs Jane Green (Vice-Chairman)
Councillors Peter Ayres, Bloomfield, Katy Boughey,
Mrs Cathy Bustard, Alan Carter, Fookes, Gillespie, Mike Hall,
Brian Humphrys, J. R. Ince, Gordon Jenkins, Mrs Anne Manning,
Michael, Karen Roberts and A. M. Wilkinson.

**A meeting of the Development Control Committee will be held at the
Bromley Civic Centre on TUESDAY 3rd AUGUST 1999 at 7.30 p.m.**

WALTER MILLION
Borough Secretary

Public speaking on Planning 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 the Borough Secretary 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 0181 313 4745.

A G E N D A

- 1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS**
- 2. CONFIRMATION OF MINUTES OF 15 JUNE 1999**



So far as the Southern Employment Land is concerned, marketing has continued on the basis of the permission that exists for employment use. Whilst a number of potential occupiers have been identified, none of the discussions have thus far progressed to fruition for a number of reasons. Firstly, the planning consent for the site is limited in scale whereas enquiries have been from large space users. Secondly, there is no prospect of additional commercial floor space being permitted because of the highway and traffic implications. Thirdly, redevelopment and refurbishment costs for the site are extremely expensive given the nature of the buildings that would be required to be refurbished and/or the costs of demolition and the costs of high quality replacement.

Whilst it is true, therefore, that the proposal would involve the loss of potential employment land, the reality is that there is little prospect of this land being used for such purposes. The likelihood is that the site would remain vacant which serves no desirable planning objective. Moreover, the site is not in a sustainable location for industrial or commercial use, given its limited public transport accessibility and its location within a primarily residential area.

- Housing Land Availability/Density

Bromley is a Borough which is constrained in terms of its supply of housing land by a tightly drawn Green Belt boundary and by substantial areas of Metropolitan Open Land and Urban Open Space within the existing built up area. However, the Borough does have large areas of relatively low density housing and, historically the majority of new residential development has been provided through the infilling and redevelopment at higher densities of existing housing land.

However, even given the extent of this windfall provision, it is evident that the supply of new housing in the Borough is presently falling well short of that required to meet the requirements set out in Regional Planning Guidance.

In such circumstances, there is a priority need to make full and effective use of windfall 'Brownfield' sites for housing purposes as opposed to the retention of such land for commercial use.

So far as Langley Court is concerned, a substantial area of land is still being retained for commercial/employment use. The application proposal would affect only the balance between the respective land uses. The development of the Southern Employment Area with up to 200 dwellings will make a significant contribution to addressing the shortfall of housing provision that has accumulated since 1992.

The application proposal is for a mixed residential scheme ranging from smaller unit accommodation, two bedroom flats, through to large family houses. The density that is proposed is in accordance, therefore, with the UDP guideline set out in Policy H.7 for such development. The site area for density purposes includes the lake and the access road since these are integral parts of the scheme.

The adjacent residential development by Laings is at a lower density. However, this proposal incorporated a large area of open space within the scheme in accordance with the master plan for the site. It is actually the case that, if you compare the layout of the adjoining development with the indicative layout that is proposed in the current application, many of the garden areas that are now proposed are significantly larger than in the adjoining scheme.

- Planning Policy

APPENDIX 2

Part Report to the London Borough of Bromley

the Planning Inspectorate
06 Kite Wing
ample Quay House
The Square
ample Quay
Bristol BS1 6PN
T 0117 372 8902

DATE 25 August 2004

by Mrs Ava Wood Dip Arch Architect

The Chief Executive
London Borough of Bromley
Bromley Civic Centre
Stockwell Close
Bromley
BR1 3UH

Our Ref: PINS/G5180/429/1

Dear Sir,

UNITARY DEVELOPMENT PLAN - REPORT ON OBJECTIONS TO CHAPTERS 4 AND 8

1. I was appointed by the First Secretary of State to hold a public inquiry into objections to the September 2002 Second Deposit Draft of the London Borough of Bromley Unitary Development Plan, referred to hereafter as the UDP or the Plan. The Inquiry sat a total of 22 days between 28 October 2003 and 15 April 2004.
2. As indicated in the letter of 6 May 2004 from Chris Pritchard, this interim or part Report comprises my response to objections raised to the strategy and policies of Chapters 4 and 8 of the UDP. The attached Report recommends what action the Council should take in respect of the attracted objections and counter-objections.
3. Unconditionally withdrawn objections are not dealt with in my Report but those that were conditionally withdrawn fall to be considered as duly made objections. In making my recommendations, I have had regard to all the representations made, including those in support of the Plan, although my Report does not expressly refer to them. The supporting representations are recorded in the Council's proofs of evidence.
4. The purpose of issuing these chapters in advance of the full Report is to give the Council an early indication of my assessment of the soundness of the Plan's housing strategy, on its approach to the delivery of affordable housing and my conclusions on related site specific matters such as the suitability or otherwise of sites proposed by objectors. This part Report should also assist with the forthcoming housing capacity study identified in the London Plan. Also covered in this Report are representations and objections made in connection

with Green Belt (GB), Metropolitan Open Land (MOL) and Urban Open Space (UOS) boundary changes and those relating to proposals at Crystal Palace Park.

5. The Council is under no obligation to publish this part Report. Any concerns over omissions or need for clarification should be raised through the Planning Inspectorate within 4 weeks of receipt of this Report, a copy of which will be sent to GOL and ODPM after that time.

Report Format

6. I report only on the policies or paragraphs to which there have been objections. The format of the Report is as follows:
 - List of objectors' names and objection numbers.
 - Summary of objections: In each case, I present a summary of the nub of the objection.
 - Background: The pre-inquiry and further inquiry changes (PIC and FIC respectively) proposed by the Council are summarised.
 - List of counter-objectors, if any.
 - Summary of counter-objections.
 - Inspector's Reasoning and Conclusions: In my conclusions I have had regard to all representations made by objectors and supporters, as well as the Council's responses. Objections made in writing are given equal weight with those aired at the Inquiry.
 - Recommendations: The recommendations flow from my reasoning and conclusions. All recommendations appear in bold and changes to supporting text appear in italics.
7. In the few instances, where there is likely to be an overlap with policies in other parts of the emerging UDP, my conclusions and recommendations are withheld until I have considered objections to the relevant chapters. I have not had regard to changes in local planning circumstances subsequent to the closing of the Inquiry. My Report takes account only of the representations received before the Inquiry closed and national policy current at the time of writing, including the recently published PPS7.
8. To give the Council an overview of my response to the two chapters, recorded below are summaries of the key issues addressed and my recommendations.

Chapter 4

9. I held Round Table Sessions on Housing and Affordable Housing on 28 and 29 October 2003, to discuss the housing supply issue and to examine the objections relating to the Council's policies and strategy for the delivery of 11,450 dwellings over the Plan period, as well as those that address the Borough's affordable housing needs. The main conclusions and recommendations are as follows:

Housing Supply Issues and Policy H1

10. The London Plan seeks to achieve 30,000 additional homes per year from all sources in London. This represents a 30% increase from the draft London Plan. However, I do not recommend that the UDP should be looking to a commensurate increase in advance of the forthcoming review of London's housing capacity. The current capacity figure of 11,450 is correctly stated in the Plan, but the UDP should be adopted in a form that would not preclude increased housing delivery rates in the future.

11. As the level of housing completions since 1997 has not kept pace with the average annualised rate of 573 quoted in the UDP, at 2001 the Borough has fallen short of its planned capacity by some 1,000 dwellings. While accepting a shortfall in output, the Council, disputes this level of deficit. In the absence of reliable date, information or monitoring by the Council, and no evidence that rate of completions since 2001 have increased, I consider that it is not unreasonable to assume that there is a current (i.e. 2004) deficit of 1,000 dwellings to be addressed, in addition to meeting the annual target of 573 additional dwellings.
12. The UDP places a high reliance on windfall sites to meet the Borough's target capacity. As a result, there is a significant degree of uncertainty regarding the delivery of a large proportion of the housing in the UDP. The Council must look to increasing the number of allocations and sites identified for the delivery of additional dwellings. In addition to which, I recommend a contingency plan that can be activated if accurate monitoring continues to indicate a shortfall in housing supply.
13. The contingency plan I recommend is the use of 'reserve' sites that could be brought forward for development, if monitoring revealed that they were required to meet the housing shortfall. However, a much more accurate system of monitoring needs to be put into place to enable the Council to plan, monitor and manage its housing requirements. I recommend the inclusion of a policy that identifies the reserve sites and the circumstances and time scale under which the sites will be released for development.
14. Given the nature and circumstances of Bromley, I am acutely aware of the difficulties of finding and identifying additional sites. It was put to me in no uncertain terms by objectors that the omission sites before me comprise the full potential of all available sites in the Borough and that there is sufficient information to undertake a comparative exercise. Objectors requested that I recommend inclusion of specific sites accordingly. For reasons give in the Report, I recommend that the Council be charged with the task of undertaking a complete and proper sequential analysis of all potential housing sites within the Borough. In the interest of completeness, parity and transparency, I go as far as suggesting that such an analysis should include sites already identified in the UDP.
15. I come to the view that the UDP could be more pro-active in identifying additional sources of housing supply and capacity and recommend rewording of Policy H1 accordingly. I also recommend an additional policy to assess the suitability of windfall sites.

Affordable Housing and Policy H2

16. Policy H2 seeks the provision of 2,300 additional affordable dwellings over the Plan period. I question the basis for this target figure, given the level of need identified in the Housing Needs Surveys (HNS) of 1999 and 2003. My recommendation is that the Council revisit the matter of the total target figure, and assign a target predicated on need and achievability rather than on capacity.
17. I recommend that affordable housing be defined in the terms set out in the London Plan, i.e. "social rented" and "intermediate" housing, thus overcoming the difficulties associated with defining key worker housing. Low cost market housing and shared ownership may have a role to play in the provision of housing for those on moderate income and therefore should be included in the definition of intermediate housing.
18. In the context of emerging national guidance, the London Plan approach and the Council's HNS, I conclude that there is justification for adopting thresholds lower than those recommended in Circular 06/98 and recommend adoption of the 15 dwelling/0.5 Hectare thresholds currently in the UDP. I find that there is no justification for a two-tiered

approach to thresholds. As it stands, the policy would unfairly exclude additional opportunities for the provision of much needed social rented housing. My recommended Policy H2 includes only one threshold and also provides for negotiations on each site for 35% provision with a 70:30 split between social rented and intermediate provision. There is flexibility in the policy which would allow applicants to demonstrate that a lower provision should be sought or that a different proportional split is needed to achieve mixed and balanced communities.

19. I recommend introduction of a new policy outlining the exceptional circumstances under which it would be acceptable to allow payment in lieu or provision of affordable homes in an alternative location.

Housing Design and Policies H6 and H7

20. In my view, Policies H6 and H7 as currently drafted fail to recognise the importance of achieving density ranges that will maximise the use of land. Under Policy H6, I draw attention to the need to achieve higher density developments and recommend that the design of new housing development comply with density ranges derived from a density/location/parking matrix based on Table 4B.1 of the London Plan. The aim is not to duplicate existing patterns of development but to achieve higher densities without sacrificing quality in design and by drawing from and complementing local context. My recommendation for the recasting of Policy H6 includes, in addition to other criteria, provision of mix of house types and sizes as well as compliance with maximum parking standards.
21. In view of my criticisms and recommended rewording of Policy H6, there is no requirement to retain Policy H7 and I call for its deletion.

Chapter 8

Green Belt, Open Spaces and Policies G1 and G2

22. In the main, I support the restraining principles of Policies G1 and G2, as they reflect the approach recommended in PPG2 and the London Plan in respect of development in GB and MOL. However, I consider that in the interest of brevity and clarity the policies should be comprehensive, so it is clear from the outset as to the few circumstances under which new development, change of use or re-use of buildings would be appropriate. I recommend rewording accordingly. Another advantage of this approach is that it obviates the need for Policies G3 and G4.
23. The Plan correctly follows the approach recommended in PPG2 with regard to identifying Major Developed Sites (MDS) in the GB. What is more, while application of MDS in MOL is unique to this Borough, I see nothing wrong with the approach in principle.
24. In Chapter 8 I have considered objections relating to some 40 sites in the GB, 16 sites in MOL and 3 sites with UOS notations. On the GB and MOL sites I apply the fundamental test recommended in PPG2 and the London Plan, which advise against boundary changes unless exceptional circumstances exist that necessitate such revisions.
25. My view is that the need to identify additional housing land, coupled with a possible scarcity of non-GB/MOL land for such purposes, could constitute the sort of exceptional circumstances that justify a limited and focussed review of boundaries. The Council must however undertake a sequential analysis of all potential housing sites and establish that sequentially preferable options can be discounted before looking to urban extensions in non-GB/MOL locations and then to such extensions in accessible GB or MOL designated sites.

26. In paragraph 8.16.4 I set out the methodology employed to test the suitability or otherwise of GB and MOL sites. In some instances I recommend that the Council assess the merits of individual sites in a future sequential exercise. But in most cases I reject the suitability of GB/MOL located sites for housing purposes, and it must be self-evident that there would be little merit in including such sites in any comparative exercise.
27. The sites I have considered are too numerous to mention in this summary, but below are my recommendations on cases that attracted much attention.
- I do not support the Aquila MDS, as I consider that there are sufficiently weighty reasons for removing the MDS part of the site from the GB. The southern finger of open land, however, should retain its GB status. I have also come to the view that there are strong reasons for removal of the Ravensbourne College site from MOL, which means that its MDS status would be superfluous. Equally, I see merit in reviewing the MOL boundary at the Bushell Way site and its inclusion as a possible housing site in the sequential analysis to be undertaken by the Council.
 - I support the Council's late FIC to retain the MOL designation on the Top Site at Crystal Palace Park and their decision to delete Proposal Site 9. On the other hand, there is good reason to retain Proposal Site 8 and for the MDS allocation at the National Sports Centre, Crystal Palace Park. I recommend that the extent of the MDS be defined in the terms set out in the Plan but I accept the objectors' reasoning for inclusion of a specific policy for development or redevelopment at the site.

Agricultural Land and Buildings

28. In considering objections to this section of the UDP, I have taken account of the recently published PPS7. The key points to record here are my criticisms of the wording of Policies G11, 12, 13 and 14 and the lack of emphasis on farm diversification schemes. Consequently, my recommendations result in consolidation of policies and rewording of Policy G15 to take account of PPS7.

Yours faithfully



Ava Wood

APPENDIX 3

22 November 2007

Mr John Escott
Robinson Escott Planning
Downe House
303 High Street
Orpington
Kent BR6 0NN

Our Ref: APP/G5180/A/07/2043219/NWF
Your Ref:

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY ASPREY HOMES LTD
AT FORMER BLUE CIRCLE SPORTS GROUND AND ADJOINING LAND,
BROMLEY COMMON, BROMLEY, BR2 9PQ
APPLICATION REF: DC/03/02319/OUT**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Susan Hesketh, BSc (Hons) MRTPI, who held a public local inquiry between 24 July and 1 August 2007 into your client's appeal against the non-determination by the Council of the London Borough of Bromley of an application for erection of new medical centre, nursing home, affordable housing and open market housing at a density of between 50-80 dwellings per hectare, children's playground, consolidation of allotments, bus interchange, associated open space, access roads and car parking at the former Blue Circle Sports Ground and adjoining land, Bromley Common, Bromley, BR2 9PQ in accordance with application number DC/03/02319/OUT, dated 19 June 2003.
2. On 17 May 2007, the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 to Schedule 6 to, the Town and Country Planning Act 1990.

Inspector's recommendation and summary of the decision

3. The Inspector, whose report is reproduced in the annex to this letter, recommended that the appeal be allowed, and planning permission granted subject to conditions. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with her recommendation. All references to paragraph numbers, unless otherwise stated, are to the Inspector's report (IR).

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Procedural Matters

4. In reaching this position the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Secretary of State is content that the Environmental Statement complies with the above regulations and that sufficient information has been provided for her to assess the environmental impact of the application.
5. The application is in outline form with all matters other than means of access reserved for subsequent approval. At the inquiry, the appellants wished the Secretary of State to consider the appeal on the basis of the access arrangements shown on drawings GA01, 02, 03, together with an alternative shown on drawing GA05 (Plan B) together with the Masterplan and Illustrative Landscape Proposals (Plans C and D). Drawing GA05 is put forward as an alternative in the event that the proposed bus interchange is not eventually brought forward. The Secretary of State considers that no party would be disadvantaged by considering the appeal in this way, and she has therefore determined the appeal on the basis of the drawings as set out in this paragraph.

Matters arising after the close of the inquiry

6. The Secretary of State is aware that on 1 November, the High Court dismissed a challenge brought by the Council of the London Borough of Bromley against the decision of an Inspector appointed by the Secretary of State in relation to development of 103 and 107 Copers Cope Rd and land at the rear of 91-117 Copers Cope Rd. She has considered the judgment carefully, but does not find that it raises any issues on which it would be necessary to refer back to parties for further information, nor that it would lead her to a different conclusion in this case to that which she would otherwise have reached.

Policy considerations

7. In deciding the application, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
8. In this case, the development plan comprises the London Plan 2004 and the Bromley Unitary Development plan 2006. The Secretary of State considers that the development plan policies most relevant to the appeal are those set out by the Inspector at IR15 to 25.
9. The Panel report following the Examination in Public of the Draft Further Alterations to the London Plan was published in October 2007, and the Secretary of State therefore affords it some weight, but does not consider that it raises any issues on which it is necessary to refer back to parties for further information.
10. Other material considerations which the Secretary of State has taken into account include *PPS1: Delivering Sustainable Development*, *PPG2: Green Belts*, *PPS3: Housing*, and *PPG13: Transport*.

11. The Secretary of State considers that the main issues in this case are:-

- Housing issues:
- Other matters, including, sustainability, conditions and S106 agreement
- Green Belt issues;
- The extent to which the proposed development would be in accordance with the development plan for the area;

Housing issues

12. For the reasons given in IR281, the Secretary of State agrees with the Inspector that as the appeal site is not allocated for housing, the proposed development is not in accordance with the development plan for the area in this respect.

13. The Secretary of State has noted the planning history of the site and its relation to the UDP process as set out in IR281a) – 281c). She agrees with the Inspector in IR282 that the housing land situation and suitability of the appeal site for residential development were thoroughly considered through the development plan process.

14. However, since the adoption of the UDP, national policy with regard to housing has developed with the publication of PPS3 *Housing*, and the position in Bromley has changed somewhat with regard to the supply of deliverable sites for housing, the passage of time in relation to achievement of housing targets, and in terms of the specific policy changes identified by the Inspector in IR283.

15. In terms of delivery against targets, the Secretary of State agrees with the Inspector's assessment in IR284 that, while there is disagreement over the exact number of the deficit for the period to 2006, it lies within the range of 1514-1624. There has been a continuous shortfall since 1997, and about a 30% shortfall over the first ten years of the UDP's 20 year target to 2016 (IR284). For the reasons given in IR285-288, the Secretary of State agrees with the Inspector that the Council has not clearly demonstrated an up to date five year supply of deliverable sites as required in PPS3. Advice in paragraph 71 of PPS3 states that where local planning authorities cannot demonstrate an up-to-date five year supply of deliverable sites, they should consider favourably planning applications for housing, having regard to policies in PPS3, and considerations identified at paragraph 69 of that PPS. The Secretary of State concludes that the proposed development would be consistent with Government policy as set out in PPS3 in paragraph 18 of this letter.

16. For the reasons given in IR284-288, the Secretary of State also agrees with the Inspector that without development taking place on the appeal site, there is no prospect of sufficient land being identified and available for development to meet the housing needs of the area. The Secretary of State considers whether this constitutes very special circumstances in paragraphs 27-33 below.

17. The Secretary of State agrees with the Inspector, for the reasons given in IR289, that provision of 35% affordable housing and the proposed tenure split would be reasonable, and that the provision of up to 280 affordable homes would be a significant benefit of the proposals. In reaching this conclusion she has particularly borne in mind the evidence submitted from the Housing Needs Survey Update and the Annual Monitoring Reports of 2005 and 2006 which show a significant need for affordable housing, and rising targets for delivery.
18. For the reasons given in IR291 – 293, the Secretary of State agrees with the Inspector that the proposed development would deliver a significant amount of housing, and is well related to transport, jobs and services. She further agrees with the Inspector that the site could deliver an appropriate mix of housing. The Secretary of State concludes that the proposed development would be consistent with Government policy as set out in PPS3.
19. With regard to design, the Secretary of State has paid close attention to the design and access statement provided by the appellants. Although the planning application is submitted in outline, the Secretary of State considers that design is an important factor in considering whether to develop a sensitive site such as this one. The development of this site is likely to have an impact on the wider area including the Green Belt. It will therefore be vital that it is of high design quality, in order to ensure that this is done in a sensitive way that enhances the locality. In the opinion of the Secretary of State, it would be advisable to consult CABE's Design Review Panel in formulating proposals for the detailed design of the scheme, just as we encourage all local authorities to consult CABE on any scheme that is significant in some way¹.
20. The Secretary of State considers that the information provided in the design and access statement is such that she can conclude with reasonable confidence that a scheme can be brought forward on this site which would be attractive, safe, and functional, with a distinctive identity. She concludes that building at the higher end of the proposed density spectrum would make efficient and effective use of land. Proposed conditions relating to the mix of housing, "secure by design" scheme, Lifetime Homes Standard, Travel Plan and other reserved matters will help to ensure that an appropriate scheme which provides a suitable environment for current and future residents will be brought forward. She therefore concludes that the proposed development would be consistent with Government policy related to design as set out in PPS3 and PPS1.

Other matters

21. The Secretary of State agrees with the Inspector, for the reasons given in IR293, that the proposed medical facilities could provide much needed enhanced facilities for the local population, and would add to the mix of uses on the site. She also agrees with the Inspector, for the reasons given in IR294, that the needs of the existing allotment holders could be satisfactorily accommodated.

¹ Letter to local planning authorities dated 6 December 2006: [Planning Applications: Arrangements for Consulting Commission for Architecture and the Built Environment as a Non-Statutory Consultee](#)

22. For the reasons given in IR296 – 302, the Secretary of State agrees with the Inspector, that the proposed development would not harm the character or appearance of the wider area, that it would be consistent with the advice in PPG13 *Transport*, and that the terms of the Section 106 Agreement dated 1 August 2007 are acceptable and would achieve the objectives sought. She considers that the agreement and conditions comply with the requirements of Circulars 05/2005 *Planning Obligations* and 11/95 *Use of Conditions in Planning Permission* respectively. In the interests of clarity, the Secretary of State has made a small amendment to the second sentence of condition 15.

Green Belt issues

23. The Secretary of State agrees with the Inspector and all parties that the proposed development constitutes inappropriate development in the Green Belt (IR 275) and, in line with guidance set out in PPG2, the Secretary of State attaches substantial weight to that harm. It is therefore necessary to determine whether very special circumstances exist sufficient to clearly outweigh the harm caused by virtue of inappropriateness and any other harm. She considers the issue of further harm below.

24. The development of the appeal site would cause harm to the openness of the Green Belt, and the Secretary of State agrees with the Inspector, for the reasons given in IR 277, that developing the appeal site would effectively remove it from the Green Belt. When judged against the purposes of including land in the Green Belt, the Secretary of State agrees with the Inspector that development of the appeal site would be inconsistent with many of those purposes, for the reasons given in IR276-278.

25. Like the Inspector, the Secretary of State has considered the Green Belt function of the site. She agrees with the Inspector, for the reasons given in IR279 – 280, that the visual amenities of the wider Green Belt would not be unacceptably harmed by development in this location, and that the loss of this site for housing would not render other Green Belt land more vulnerable to development. She also agrees with the Inspector that the A21 would be an effective and defensible Green Belt boundary. Should very special circumstances be demonstrated, the Secretary of State agrees with the Inspector in IR 280, that development of the appeal site would be acceptable in other respects.

26. In the light of her findings on Green Belt issues, the Secretary of State agrees with the Inspector's conclusion in IR277 that, in view of the harm in this case, the very special circumstances need to be compelling. The Secretary of State has therefore gone on to consider the issue of very special circumstances in the paragraphs below.

Very special circumstances

27. The Secretary of State notes the Inspector's observation in IR282 that it was surprising that the Council did not take the advice of the UDP Inspector, its own consultants and Chief Planning Officer, and her conclusion that the Council's continued resistance to development of the appeal site despite the lack of any sequentially preferable or more sustainable alternative development sites being

available elsewhere was, on its own, capable of constituting very special circumstances sufficient to outweigh the harm caused to the Green Belt. The Secretary of State observes, however, that the Council was entitled to disagree with the UDP Inspector, the Nathaniel Litchfield Partnership and its own officers, and that its decision to do so was not the subject of any direction or legal challenge. The Secretary of State therefore does not agree with the Inspector's conclusion in IR282.

28. However, having chosen to reject the advice of the UDP Inspector, its consultants and planning officers as the Council did in this case, the Secretary of State would have expected the Council, following adoption of the UDP, to take early steps to meet the need, and also to reappraise the situation in the light of PPS3, which has been issued since the UDP was adopted. Indeed, inquiry core document BC8 (Secretary of State's objections to the proposed modifications, Dec 2005) explicitly sets out such an expectation that the borough consider an early review of housing policies. The Secretary of State agrees with the Inspector, for the reasons set out in IR285-287, that the Council has not clearly demonstrated an up to date five year supply of deliverable sites. She notes that, notwithstanding the acknowledged significant shortfall in housing land supply in the Borough the Council still has no implementation strategy in place to ensure the delivery of housing to meet the requirements of the development plan. She agrees that this is contrary to the advice in PPS3.
29. Having regard to all the circumstances, including the UDP Inspector's recommendation, the advice of NLP and the Council's Chief Planning Officer, and the failure of the Council following adoption of its UDP to devise any other implementation strategy, the Secretary of State agrees with the Inspector that, without development taking place on the appeal site there is no prospect of sufficient land being identified and available to meet the housing needs of the area.
30. Recognising that, in some areas with high levels of Green Belt land, opportunities to identify sufficient land for delivery of housing may be limited, the Secretary of State does not consider that the lack of a 5-year supply of deliverable housing as required by PPS3 is of itself sufficient to justify inappropriate development in the Green Belt. Nonetheless, the fact there is no reasonable prospect of sufficient available land being identified for housing to meet the needs of the area if the appeal site is not developed is an important factor in support of the appeal, and she attaches great weight to this.
31. The Secretary of State has gone on to consider whether there are any other material considerations which, when taken into account along with the issue identified above, might then cumulatively represent very special circumstances. She has already found in paragraph 17 of this letter that the affordable housing which would be delivered by the appeal proposal would represent a significant benefit, and she attaches great weight to this.
32. The Secretary of State has also taken into account the opportunity which the appeal proposals offer to provide improved medical facilities. She has paid particular attention to the evidence of Dr Collins on this issue (summarised by the Inspector at IR 264-269), and she agrees with the Inspector that there is an

urgent need for replacement surgeries (IR293). The Secretary of State recognises that there is no certainty that the proposed medical facilities would be delivered, but having carefully considered the terms of the Section 106 Agreement, and the evidence of Dr Collins, she concludes there is a realistic prospect of this occurring. She also notes that, were new facilities not to be provided on the appeal site, then there would be a financial contribution towards provision of improved facilities elsewhere. Given the lack of certainty that these facilities will be delivered, the Secretary of State does not attach great weight to their provision, but she does find them (or the financial alternative) to be a further factor in support of the proposals.

33. The Secretary of State has balanced the harm to the Green Belt against the benefits of the proposed development. As detailed in paragraphs 23-26 of this letter, she finds the development proposed would cause harm to the openness of the Green Belt, and would run counter to many of the purposes for including land within the Green Belt. This harm is in addition to that caused by virtue of inappropriateness, and as set out in PPG2, the Secretary of State attaches substantial weight to that harm. However, she finds that the factors in favour of the development, namely her finding that without development taking place on the appeal site there is no reasonable prospect of meeting the housing needs of the area, the delivery of much needed affordable housing, and the provision of (or financial contribution towards) urgently needed new medical facilities, when taken together, clearly outweigh the harm to this Green Belt site arising by virtue of inappropriateness and the other identified harm set out above. She also considers that her finding in paragraph 28 above that, notwithstanding the acknowledged significant shortfall in housing land supply in the Borough, the Council still has no implementation strategy in place to ensure the delivery of housing to meet the requirements of the development plan also contributes to the establishment of very special circumstances. The Secretary of State considers that the combined factors weighing in favour of the development, taken together with the Council's lack of an implementation strategy to meet its considerable acknowledged shortfall, do constitute the very special circumstances necessary to justify inappropriate development in the Green Belt.

The extent to which the proposed development would be in accordance with the development plan for the area

34. Although the appeal proposals are inappropriate development in the Green Belt, having found that very special circumstances exist, the Secretary of State concludes that the development plan for the area is complied with in this respect. As the appeal proposals will help to achieve housing delivery targets, and as the Secretary of State has found the proposals to be satisfactory in terms of sustainability, design, affordable housing and the provision of facilities, she also finds no conflict with the development plan for the area in these respects. However, she concludes that as the appeal site is not allocated for housing, it is in conflict with the development plan in this respect. She also finds the proposals to conflict with policy 3D.8 of the London Plan, which states that proposals for alteration to Green Belt boundaries should be considered through the UDP process. Taking all of the above into account, the Secretary of State concludes that the appeal proposal is in accordance with the development plan when taken as a whole.

Overall Conclusions

35. The Secretary of State concludes that the appeal is in accordance with the development plan when read as a whole. The proposed development is inappropriate development in the Green Belt, for which very special circumstances must be demonstrated. Having balanced the benefits of the appeal proposals against the harm to the Green Belt, the Secretary of State concludes that the benefits of the proposals, taken together, do clearly outweigh the harm to the Green Belt, and that they do constitute very special circumstances. She also concludes that there are no material considerations of sufficient weight so as to determine the appeal other than in accordance with the development plan.

Formal Decision

36. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. She hereby allows your client's appeal and grants planning permission for erection of new medical centre, nursing home, affordable housing and open market housing at a density of between 50-80 dwellings per hectare, childrens' playground, consolidation of allotments, bus interchange, associated open space, access roads and car parking, in accordance with application number DC/03/02319/OUT, dated 19 June 2003, subject to the following conditions:

- 1) Details of the siting, design, external appearance, landscaping, (hereinafter called "the reserved matters") of each phase of the proposed development shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 3) The development hereby permitted shall begin before the expiration of five years from the date of this permission or two years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; boundary treatments, means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc).
- 5) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the local planning authority.
- 6) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or

any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

- 7) The plans and particulars submitted in accordance with the condition 4 above shall include:
- i) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;
 - ii) details of the species, diameter (measured in accordance with paragraph (i) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (iii) and (iv) below apply;
 - iii) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
 - iv) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site;
 - v) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.
 - vi) In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (i) above.
- 8) No bonfires shall take place within 6 metres of the furthest extent of the spread of the canopy of any tree or tree group shown to be retained on the submitted drawings.
- 9) No trenches, pipelines for services or drains shall be sited under the spread of the canopy of any tree or tree group shown to be retained on the submitted plans without the prior agreement in writing by the local planning authority.
- 10) While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles leaving the site and any accidental accumulation of mud of 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.
- 11) The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific needs of the development. Any security measures to be implemented in compliance with this condition shall seek to achieve the "secure by design" accreditation awarded by the Metropolitan Police.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no structures or alterations shall be erected within the curtilages of the dwellings hereby permitted without the prior approval in writing of the local planning authority.
- 13) Before any works on site are commenced, a site-wide energy strategy assessment shall be submitted to and approved in writing by or on behalf of the Local Planning Authority. The results of this strategy shall be incorporated into the final design of the buildings prior to first occupation. The strategy shall include on-site renewable energy generation sufficient to provide 10% of the predicted energy requirements of the

dwellings; the feasibility of the provision of combined heat and power (CHP) to supply thermal and electrical energy to the site or the most appropriate buildings within the permitted development as may be agreed.

- 14) The development shall incorporate measures to ensure that the accommodation meets the Lifetime Homes Standard and at least 10% of the units are fully wheelchair accessible.
- 15) No part of the development shall be constructed at a net density outside the range of 50-80 dwellings per hectare. The density shall be calculated on the basis of a developable area which is assessed in accordance with PPS3.
- 16) Details of the layout of the access road and turning area including its junction with Crown Lane Spur and the junctions with Turpington Lane and dimensions of visibility splays shall be submitted to and approved in writing by or on behalf of the Local Planning Authority and these access arrangements shall be substantially completed before any part of the development hereby permitted is first occupied. There shall be no obstruction to visibility in excess of 0.6m in height within the approved splays.
- 17) Before any work on a phase is commenced details of parking spaces/bays and/or garages and sufficient turning space shall be submitted to and approved in writing by or on behalf of the Local Planning Authority and such provision shall be completed before the commencement of the use of the land or building hereby permitted and shall thereafter be kept available for such use.
- 18) Before any part of the development hereby permitted is first occupied, bicycle parking for that phase (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by or on behalf of the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently maintained thereafter.
- 19) The dwellings, medical centre and nursing home on the development hereby permitted shall not be first occupied until all the associated off-site highway works have been completed to the satisfaction of the highway authority for the road(s) in question.
- 20) Prior to first occupation of the dwellings, medical centre and nursing home facilities hereby permitted respectively details of a Travel Plan for each element shall be submitted in writing to and approved by the Local Planning Authority.
- 21) While each element of the development hereby permitted is being carried out, provision shall be made to accommodate operatives' and construction vehicles loading, off-loading, parking and turning within the site in accordance with details to be submitted to, and approved in writing by, the local planning authority and such provision shall remain available for such uses to the Authority's satisfaction throughout the course of the development.
- 22) Prior to first occupation of the dwellings, medical facility and nursing home hereby permitted the developer shall submit written certification to the local planning authority that all associated parking areas and other areas to which the occupiers of the buildings will have access either on foot or with vehicles, including bicycles, and for which lighting details are not otherwise approved have been lit in accordance with BS 5489-1:2003 and that such lighting will be maintained to such standard thereafter.
- 23) Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by the local

planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

- 24) Development shall not commence until impact studies of the existing water supply infrastructure have been submitted to and approved in writing by the Local Planning Authority (in consultation with Thames Water). The studies shall determine the magnitude of any new additional capacity required in the system and a suitable connection point.
- 25) Surface water management shall be carried out in accordance with the accepted Outline Drainage Strategy prepared by Bureau Veritas dated 12th July 2007, reference EMA 00102. Surface water details shall be submitted to and approved in writing by the Local Planning Authority before development commences.
- 26) No development approved by this permission shall be commenced until an Ecological mitigation, compensation and enhancement scheme, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. This scheme shall outline the detailed design of all ecological mitigation, compensation and enhancement measures listed within the Ecology Technical Appendix dated June 2007 including bird and bat boxes, areas of rough grassland, log pile and hedgerows. This shall include design plans and layout, materials, timings, methods of construction and species lists for planting. The works shall be undertaken in accordance with the approved details.
- 27) A landscape and ecology management plan for the development site, including long term design objectives, ecological objectives, a planting scheme, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The landscape management plan shall be carried out as approved.
- 28) The design and location of suitable native and locally appropriate marginal and aquatic species planting shall be submitted to and approved in writing by the Local Planning Authority before the development commences. This planting management plan shall be carried out as approved.
- 29) There shall be no light spill into the watercourse or adjacent river corridor habitat or suitable bat foraging and roosting habitat. To achieve this, and to comply with sustainability, artificial lighting should be directional and focused with cowlings to light sources in close proximity to the river corridor.
- 30) No development approved by this permission shall be commenced until a detailed scheme for the proposed wetland habitat has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 31) No development approved by this permission shall be commenced until a detailed scheme for all on-site ditches has been submitted to and approved in writing by the Local Planning Authority, including mitigation for any impacts and enhancement to ditch habitat. Development shall be carried out in accordance with the approved details.
- 32) During construction no solid matter shall be stored within 10 metres of the banks of the surface water features and thereafter no storage of materials shall be permitted in this area.

- 33) A 3m strip of land along the A21 frontage of the site shall be safeguarded from built development.
- 34) Details submitted pursuant to condition 1 shall show a majority of the housing units to be provided, both private and affordable, to be dwelling houses with individual gardens.
- 35) The areas to be provided as open space on the details to be provided pursuant to condition 1 shall remain as such thereafter.
- 36) A phasing plan identifying the separate phases of the residential development shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced.
37. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
38. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
39. This letter serves as the Secretary of State's statement under regulation 21(2) of the Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Right to challenge the decision

40. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.
41. A copy of this letter has been sent to the Council of the London Borough of Bromley and all parties who appeared at the inquiry.

Yours faithfully

Andrew Lynch

Authorised by Secretary of State to sign in that behalf

APPENDIX 4



The Planning Inspectorate

Report to the Mayor of London

by Mr A Thickett BA(HONS) BTP MRTPI Dip RSA

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 18 November 2014

GREATER LONDON AUTHORITY ACT 1999

PART VIII

REPORT ON THE EXAMINATION IN PUBLIC INTO THE FURTHER ALTERATIONS TO THE LONDON PLAN

Examination in Public hearings held between 1 and 18 September 2014

File Ref: SDS0024

London's Living Spaces and Places

54. The FALP's housing target and the need to provide the schools, jobs, health services and other infrastructure to support this increase in new homes will put significant stress on London's existing built environment and its communities. The Plan includes policies which seek to protect local character, heritage assets, open spaces and to create attractive lifetime neighbourhoods³⁷ with the facilities communities need and, in theory, therefore, the FALP includes the tools to ensure that growth is properly managed. However, the Mayor's representative conceded at the EiP hearings that there would be winners and losers. I am concerned that the strategy of accommodating the development necessary for London's growth within its existing built confines³⁸ will place unacceptable pressures on the city's communities and environment.

Conclusions

55. I am satisfied that the Mayor's population and household projections, SHMA and SHLAA are based on good evidence and robust methodology. The household projections and the SHMA point to the urgent need to address the requirement for new housing in London. The GLA is exploring ways to address the need and through the FALP seeking to provide a solution. In addition to the measures described above the Mayor is seeking to reduce the number of vacant homes and encouraging alternative sources of supply such as self build and the private rented sector which can deliver houses faster than traditional build for sale schemes. This is to be supported as is the focus on regeneration and meeting London's needs through the development of brownfield land. However, the strategy has significant and potentially serious implications for delivery and for existing communities which will have to face the consequences of intensifying development in the existing built up area.
56. The targets set in Table 3.1 will not provide sufficient housing to meet objectively assessed need and I am not persuaded that the FALP can ensure that the additional 6,600 dpa will be delivered. Nor do I consider that the Mayor can rely on paragraph 47 of the NPPF or the duty to co-operate to make London Boroughs provide more. It is not enough to grant planning permissions, homes have to be built and the target rate of 42,000 dpa is significantly higher than has been achieved since 2004 and the boom years before the recession.
57. The evidence before me strongly suggests that the existing London Plan strategy will not deliver sufficient homes to meet objectively assessed need. The Mayor has committed to a review of the London Plan in 2016 but I do not consider that London can afford to wait until then and recommend that a review commences as soon as the FALP is adopted in 2015 (**IRC3**). In my view, the Mayor needs to explore options beyond the existing philosophy of the London Plan. That may, in the absence of a wider regional strategy to assess the options for growth and to plan and co-ordinate that growth, include engaging local planning authorities beyond the GLA's boundaries in discussions regarding the evolution of our capital city.

³⁷ Including significant changes to Policy 7.15 relating to managing the impact of noise, which subject to the Mayor's proposed changes, I support.

³⁸ FA/EX/08; Deputy Mayor's Opening Address

58. Non adoption of the FALP would result in the retention of the existing housing targets in the London Plan (32,210 dpa³⁹) which are woefully short of what is needed. Despite my reservations, therefore, I consider that, subject to a commitment to an immediate review, the FALP should be adopted as not to do so would perpetuate the existing under delivery by not requiring Boroughs to increase supply.

Issue 4 – Whether the FALP's strategies and policies enable London Boroughs to meet the need for employment in Greater London.

59. The FALP does not set a target for employment but predicts that the number of jobs could increase from 4.9m in 2011 to 5.8m in 2036⁴⁰. Community groups question the assumptions made in arriving at this figure and the reliance on a survey carried out in 2009 (a more recent study relating to offices was published in 2014). The Mayor acknowledges that predicting levels of employment is not easy but, based on historical trend data, is confident that the projected level of growth over the plan period is as accurate as it can be. With regard to the 2014 office study, uncertainties over forecasts for office floor space and density assumptions led the GLA to conclude that it was safer to rely on the long term trends. I have neither heard nor seen anything to lead me to doubt the Mayor's assertion that past historical projections have performed reasonably well. Further, The City of London and industry representatives support the FALP projection.
60. Historic data also captures the interconnections between the different sectors of London's complex economy. I have seen no evidence to show that the FALP ignores small businesses or the contribution they make. I heard complaints that small businesses are being squeezed out but the London Plan encourages and supports diversity, small businesses and local economies and the provision of suitable work spaces in terms of type, size and cost. Representatives argue that the Mayor does not have an understanding of micro economies and the benefits arising from small businesses being located close together. However, I have seen nothing to suggest that the projections are not based on data relating to the whole economy. Further, the FALP is a strategic plan. The NPPF requires local planning authorities, in preparing local plans, to demonstrate an understanding of the needs of businesses in their area and I see nothing in the FALP to prevent them from doing this.
61. Policy 4.4, which seeks to ensure the provision of a sufficient stock of land and premises is not proposed to be changed but a change to paragraph 4.23 would allow the release of surplus industrial land. This accords with national policy⁴¹ and the need for housing is such that it would be wrong to prevent the re use of industrial land which has no reasonable prospect of being used for employment.
62. In response to the loss of small scale offices to higher value residential and the recommendations of the London Office Review Panel, Policy 4.3 is proposed to be altered to enable Boroughs to protect small scale offices within the Central Activities Zone (CAZ). The policy would also require residential development in the CAZ to compensate for the loss of offices by contributing

³⁹ Table 3.1; 2011 London Plan

⁴⁰ Paragraph 1.24

⁴¹ NPPF, paragraph 22



LONDON BOROUGH OF BROMLEY **LOCAL PLAN EXAMINATION**

HEARING STATEMENT

15TH November 2017

ISSUE 5 – THE SITES

This statement has been prepared on behalf of Langford Walker Limited
Land at Jackson Road, Bromley Common

1. The site is located at the eastern end of Jackson Road, Bromley Common. The site immediately abuts the built up area of Bromley and is in a sustainable and accessible location. A substantial part of the site comprises previously developed land which has a long history of use for commercial purposes. The previously developed part of the site has a Lawful Development Certificate for a composite use involving a range of commercial activities.
2. The site is bounded on three sides by existing residential development and currently forms an ‘indent’ into a predominantly residential area.
3. An appeal was allowed on the 6th March 2017 for the demolition of existing buildings and the erection of nine detached houses on the Jackson Road Nursery Site. A copy of the appeal decision is attached at **APPENDIX 1**.
4. A new housing estate will, therefore, be constructed in the north western part of the overall site to which this representation relates. Implementation of this permission, which is scheduled to commence in early 2018, will mean that the remainder of the land to the south and south east will be effectively land locked by housing development on three sides.

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5. The Council has not undertaken a comprehensive Green Belt boundary review and it would appear that that the Green Belt boundary in this area has existed unchanged since its original designation as part of the Kent Development Plan in the 1950s. The Green Belt designation at this time included the former Lennard Hospital site to the north east such that the representation site was adjoined on two sides by Green Belt land to which there was obviously a wider connection.
 6. The former Lennard Hospital site to the east has now been developed for housing and is to be removed from the Green Belt. Consequently, there are materially different circumstances to those which existed at the time of the original Green Belt designation.
 7. Had a full and comprehensive Green Belt boundary review been undertaken then consideration would have needed to have been given to sites such as this where development exists on part of the site and where removal of such land from the Green Belt would create a more rational Green Belt boundary that would endure into the longer term.
 8. Whilst individual submitted sites, which would include the Jackson Road Nursery site, have been assessed by the Council at the Regulation 18 stage, the methodology that was used by the Council to assess such sites is flawed in that it adopts a ‘policy on’ approach which is based on applying all policy designations as they currently exist. Such an approach, in effect, pre-determines the outcome on any site that is subject to an existing open space designation since the Council would appear already to have decided as a matter of policy that it is not going to review comprehensively Green Belt boundaries or open space designations.
 9. Given that many of these boundaries and designations have existed without review for a considerable period of time, such an approach does not take cognisance of the fact that circumstances may well have changed in relation to individual sites.

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10. It also does not recognise that policy has also changed, for example, the acknowledgement that the partial or complete redevelopment of previously developed sites Green Belt would not constitute inappropriate development subject to there being no harm to the openness of the Green Belt or the purposes of including land within it than existing development.
 11. The residential permission on part of the land now justifies the site of the new housing estate being removed from the Green Belt. This would leave an irregularly shaped boundary with residual paddock land to the south and east which would perform no Green Belt function given that it would be adjoined on three sides by housing. The opportunity exists, therefore for the Green Belt boundary to be rationalised and which would then also provide the opportunity for additional new housing to help meet the identified housing need in the Borough.
 12. The Green Belt boundary should be adjusted for the reasons that are set out in this statement such that the site is excluded from the Green Belt and included in the Local Plan as a housing allocation.

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APPENDIX 1

Appeal Decision

Hearing held on 23 November 2016 and 7 February 2017

Site visit made on 23 November 2016 and 8 February 2017





by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 06 March 2017

Appeal Ref: APP/ G5180/ W/ 16/ 3155275

Jackson Road Nursery, Jackson Road, Bromley BR2 8NS

-  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 Langford Walker Ltd against the decision of the Council of the London Borough of Bromley.
 -  The application Ref DC/16/02067/FULL1, dated 27 April 2016, was refused by notice dated 15 July 2016.
 -  The development proposed is demolition of the existing commercial buildings, removal of existing parking areas and hard-standing and erection of 9 detached houses with associated landscaping and tree planting.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing commercial buildings, removal of existing parking areas and hard-standing and erection of 9 detached houses with associated landscaping and tree planting at Jackson Road Nursery, Jackson Road, Bromley BR2 8NS in accordance with the terms of the application, Ref DC/16/02067/FULL1, dated 27 April 2016, subject to the conditions set out in Schedule 1 of this decision.

Application for costs

2. At the Hearing an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The Hearing was adjourned on 23 November 2016 in order that full consideration of, and responses to, additional information could be made. I undertook an accompanied site visit on that day. The Hearing resumed on 7 February 2017 and I undertook an unaccompanied visit to the surrounding area on 8 February.
4. During the adjournment period, following additional information, the Council confirmed that it no longer resists the proposal on highway/access grounds, subject to a suitable condition.

Main Issues

5. The main issues in this appeal are;

- ☐ Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies
- ☐ The effects on the availability of commercial premises
- ☐ The effects on local highways and the flow of traffic

Reasons

The effects on the Green Belt

6. The appeal relates to this irregularly shaped plot of land located at the edge of a residential area, adjacent to open land. The site is within the Green Belt and currently accommodates a number of buildings. Vehicular access is from Jackson Road, between residential properties.
7. The Council refer to Policy G1 of the Unitary Development Plan 2006 (UDP), in their reasons for refusal. This pre-dates the National Planning Policy Framework and is inconsistent with it in a number of respects in relation to the Green Belt. As a consequence, I attach only limited weight to Policy G1, which I consider to be out of date. It is agreed between the Council and the appellant that paragraph 89 of the National Planning Policy Framework (the Framework) is relevant to this appeal. It is stated therein that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless it is for one of 6 stated exceptions. The final exception is for limited infilling or partial or complete redevelopment of previously developed sites (brownfield land), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development. There is a level of dispute between the Council and the appellant in relation to whether the site can be considered as 'previously developed' or not. Much of the debate relates to the use of the site in its recent history and the definition of previously developed land in the Framework; this states that "...land that is or has been occupied by agricultural or forestry buildings..." are excluded from the definition of previously developed land (amongst other categories of development).
8. In 2015 the Council granted a Lawful development Certificate for land forming much of the site for, "Use of the site...for a composite use in connection with a bedding plant nursery and a general building and ground works company and in particular comprising use of building A for vehicle maintenance and repair, of building B for storage and maintenance of tools, of area D for car and lorry parking, of building I to store building and fencing materials and of building J to store tractors and excavators and of buildings C, E, F, G and H as a bedding plant nursery...". The application for the Certificate was made in different terms by the applicant and the Council issued it with the wording as drawn from, above.
9. I have considered the evidence submitted in support of the Certificate and for the current appeal. The evidence differs in some respects but it can be concluded that the 2 sets of evidence are not necessarily inconsistent; the Certificate evidence refers to the use of some buildings in use for the bedding plant business and the current scheme evidence refers to them as being used for the bedding plant business and for other uses in connection with the ground-works business. The latter is supported by my observations on site

that the greenhouse buildings are also used for storage of other material in connection with the ground-works business. Although the Certificate sets out uses of the buildings and areas, it refers to a 'composite' use and this has a specific meaning. I assume that the Council used this advisedly and in the full knowledge of its implications. I accept that the bedding plant use referred to will be a seasonal one, as the appellant describes. It is highly pertinent in this respect that the Council has chosen to refer to the use of the site as "composite" in the Certificate (and not "mixed" as used in the legal opinion submitted by the Council). This was not the term use in the application by the owner but one specifically adopted by the Council. This has a specific meaning when employed to describe the use of land/buildings and refers to a variety of activities being undertaken and where it is not possible to say that one is incidental or ancillary to another, and, where the component activities fluctuate in their intensity from time to time, but the different activities are not confined within separate and physically distinct areas of land. From what I have seen and heard, I consider that this is an accurate reflection of how the site has been used.

10. In relation to the application of the term "agricultural" as referred to in the Framework at Annex 2, the case of *R (Lee Valley Regional Parks Authority) v Broxbourne Borough Council and Britannia Nurseries* clarifies that for a building to be considered as "agricultural" that it should be in use solely for that purpose. My conclusion on this point is that the site and buildings have been used for a composite range of uses; this is confirmed by the wording used in the Certificate and from my observations and consideration of the evidence before me. Therefore, the site does form a "previously developed site" as referred to in the final bullet point of paragraph 89 of the Framework. The proposal is for the complete redevelopment of the site and so its acceptability rests on its effects on openness and the purposes of including land within the Green Belt.
11. In relation to openness, the agreed figures in relation to footprint, site coverage and building volume indicate significant reductions when compared to the existing situation. Even taking account of the fact that the houses would be 2 storeys in height, I consider that this represents a considerable improvement to the openness of the site and this part of the Green Belt. In addition, I consider that the gaps between the proposed houses and the associated landscaped gardens would further enhance the area. In relation to the effects on the purposes of including land within the Green Belt, the beneficial effect on the openness of the site means that it would benefit the sprawl of the built up area and the prevention of merging. The proposal would not encroach on the countryside, would have no effect on any historic setting of towns and would itself result in the regeneration of this run-down site. Consequently, it would not offend any of the Green Belt purposes. As a result, I conclude on this issue that the proposal does not represent inappropriate development in the Green Belt and would accord with the Framework in this respect.

The effect on the availability of commercial premises

12. The Council refer to Policy EMP5 of the UDP, which states that the redevelopment of business sites will be permitted provided that; (i) the size, configuration, access arrangements or other characteristics make it unsuitable for uses within Classes B1, B2 or B8, and (ii) full and proper marketing

confirms the unsuitability and non-viability of the site for those uses. In relation to the first point, the appeal site has a narrow access from Jackson Road, between 2 houses. The Council's advice from its highways engineers is that it would be unacceptable in its current form for the proposed 9 houses. I have taken account of the likely different pattern of use by a residential development and the possibility that greater pedestrian use would result. I also have to acknowledge that the existing lawful use of the site can operate with the existing access as it currently stands.

13. However, taking these matters into account, as a general principle, I consider that the existing access is far from ideal for commercial uses and those envisaged by Policy EMP5. In addition, the close proximity of residential properties means that there could be some doubt as to whether B2 or B8 uses could satisfactorily assimilate into the area. It is also notable that some of the alternatives suggested by the Council or their advisers would not fall within the use classes in EMP5 in any event.
14. In relation to the second criterion, the appellants include details of the marketing history of the site. The Council has criticised the details as being too negative and suggest that this would discourage prospective users/developers. I have looked closely at the details and I find that they are accurate and realistic. The appellant points out the need for such details to comply with relevant professional standards and the need to avoid unnecessary and fruitless enquiries. Furthermore, the appellant has undertaken financial viability exercises of a number of alternatives, including one put forward by a third party and referred to by the Council. On the basis of the evidence submitted and from what was discussed at the Hearing, I am satisfied that the proper analysis of these demonstrates that these alternatives would not be viable, even with the very low owner's return used for this purpose. In this respect, I am satisfied that both criteria of Policy EMP5 are satisfied by the proposal.

The effects on local highways and the flow of traffic

15. The Council and others were concerned at the prospect of the use of the narrow access and resultant vehicle movements at the site. The appellant has now sought to address the access issue and has submitted some details of negotiations with the occupiers of adjacent land which would enable a wider access to be provided. In this light, the Council has withdrawn its objection, subject to a suitably worded condition which would require the wider access to be provided prior to commencement of the development. It is worth noting that the negotiations with the adjacent owners were on the basis of the residential development of the site and would not be agreed for any form of commercial development and so, this would not be a matter that could potentially overcome some aspect of the arguments in relation to Policy EMP5. Having also considered the likely number of trips generated by the proposal, I am satisfied that these would be likely to be less and involve smaller vehicles than a commercial use of the site, including the current use when put to a fuller capacity.

Other Matters

16. The appeal submissions included consideration of the other matters which may have a bearing on the appeal, if I had concluded that the proposal included inappropriate development in the Green Belt; not least of these is the

consideration of the housing land supply position that the Council can demonstrate. As I have concluded that the proposal does not represent inappropriate development in the Green Belt, it is not necessary for me to come to a conclusion on these other matters.

17. The appellant has submitted a completed Undertaking which includes obligations relating to local employment, local sales preference, remediation works, provision of an orchard, electric vehicle charging points, demolition of brick latrines and the formation of a community management organisation for the orchard and hedgerow. I am satisfied that the local employment obligation is necessary in order to achieve the Council's Regeneration Objectives and similarly, the restrictions on disposal of dwellings during the priority period; I shall have regard to these in determining the appeal. Remediation appears to be adequately covered by conditions and so duplication in the Undertaking is not necessary and I shall not take this into account.
18. Although the orchard and hedgerow would no doubt be a welcome addition to the area, I cannot conclude that the scheme would be unacceptable without it and so I shall not take this into account. Similarly, I conclude that ensuring access to and enjoyment of the orchard is not necessary to make the scheme acceptable and so, nor is the community management organisation. Vehicle charging points could be required by condition but are not included in the agreed schedule; in these circumstances and in order to achieve the Council's sustainability aims, I shall take account of this.
19. The removal of the brick latrines which are outside the site would enhance the setting of the nearby listed buildings and I shall have regard to this obligation.

Conditions

20. I have had regard to the advice in the national Planning Practice Guidance in relation to the use of conditions. The appellant and the Council have submitted an agreed schedule of conditions with the appeal documents and I have had regard to these. In order to ensure that the access is suitable and safe, I agree that a Grampian style condition is required in relation to its dimensions and for the same reason, conditions relating to the layout of the internal road, lighting and to visibility splays are necessary. In addition, so that suitable parking and cycle parking is provided, conditions requiring their timely provision are necessary. It is also necessary that acceptable storage provision is made for refuse and recycling facilities.
21. So that the proposal has an acceptable effect on the surrounding area it is necessary to require the agreement and use of the external materials, that a suitable landscaping scheme is implemented and that the levels of the buildings are agreed. I shall also include a condition so that the scheme is implemented in accordance with the approved drawings so that there is certainty.
22. In order to limit the effects of the construction process on the area, I shall include a condition requiring adherence to a Construction Method Statement. In order to prevent flooding and to deal with on-site water conditions requiring the submission and implementation of a suitable scheme are justified. There is some likelihood that the site contains contamination and I have included a condition to deal with this. In light of the Green Belt location and the effects on openness, I agree that a condition restricting permitted development is justified. For the sake of vehicle and pedestrian safety I have included a

condition which requires the surfacing material of the drive and parking areas to be agreed with the Council.

Conclusions

23. As a result of my findings, the appeal is allowed.

STWood

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

C Rees
J Escott
T Hegan
S Giles
A Hughes
A Tutchings
J Hasell

FOR THE LOCAL PLANNING AUTHORITY:

D Bord
C Glavin







INTERESTED PERSONS (who spoke at the Hearing):

S Clayton
G Parmar
B Walker
L Holland

SCHEDULE 1 Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: JR/485/SP01D; JR/485/SS01B; JR/485/01B; JR/485/02C; JR/485/03C; JR/485/04B; JR/485/05C; JR/485/06C; JR/485/07C; JR/485/G1B.
- 3) No construction works shall take place until the existing access into the site has been widened in accordance with the access works shown on Plan No 16/1003/SK03 (as appended to the Rebuttal Statement prepared by "Transport Planning and Infrastructure" dated November 2016).
- 4) Notwithstanding the requirements of Condition 3, full details of the layout of the access road and turning area including its junction with Jackson road and dimensions of visibility splays shall be submitted to and approved in writing by the Local Planning Authority and these access arrangements shall be completed before any part of the development hereby permitted is first occupied. There shall be no obstruction of visibility in excess of 1 metre in height within the approved splays except for trees selected by the Local Planning Authority.
- 5) Details of the storage of refuse and recycling materials shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements shall be completed before any part of the development is first occupied, and permanently retained thereafter.
- 6) Details of the lighting of the access drive and parking areas shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The approved scheme shall be implemented before the development is first occupied and shall be permanently retained thereafter.
- 7) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;
 - v) the routes for construction traffic arriving at and leaving the site, including the management of potential traffic conflicts;
 - vi) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development shall be undertaken which falls within Classes A, B, C or E of Part 1 of Schedule 2.
- 10) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 11) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
 - i) a survey of the extent, scale and nature of contamination;
 - ii) the potential risks to:
 -  human health;
 -  property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 -  adjoining land;
 -  ground waters and surface waters;
 -  ecological systems; and
 -  archaeological sites and ancient monuments.
- 12) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out [and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority] before the development [or relevant phase of development] is occupied.
- 13) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried

out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.

- 14) No development shall take place until a monitoring and maintenance scheme to demonstrate the effectiveness of the proposed remediation shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented, and the reports produced as a result, shall be submitted to the local planning authority within 28 days of the report being completed and approved in writing within 28 days of receipt. If any of these reports identifies any discrepancy with the verification report then a protocol, including timescale, for the necessary remediation shall be submitted to the local planning authority within a further 28 days and approved in writing within 28 days of receipt. Thereafter, any necessary remediation and verification shall be carried out in accordance with the approved protocol.
- 15) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include all hard surfaced areas, boundary and other enclosures, as well as soft landscaped areas, plants and areas of turfing. 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 5 years from the substantial completion of the development dies, 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.
- 16) No dwelling shall be occupied until space has been laid out within the site in accordance with the approved drawings for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes. The parking spaces shall measure 2.4m x 5m and there shall be 6m clear space in front of each space (or 7.3m if a garage is provided).
- 17) No dwelling shall be occupied until a scheme for bicycle parking has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and shall be provided prior to occupation of the dwellings. The provision shall thereafter be kept available for the parking of bicycles.
- 18) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority.

Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 19) Details of the drainage system for surface water drainage to prevent surface water from private land discharging on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The drainage system shall be implemented in accordance with the approved scheme prior to the first occupation of any dwelling and shall thereafter be retained.



LONDON BOROUGH OF BROMLEY

LOCAL PLAN EXAMINATION

HEARING STATEMENT

15TH November 2017

ISSUE 5 – THE SITES

This statement has been prepared on behalf of Langford Walker Limited
Land at Potters Yard, Bromley Common

1. The site comprises a rectangular parcel of land located on the eastern side of Bromley Common between the junctions of Bromley Common with Turpington Lane on the northern side and Magpie Hall Lane on the southern side. The site is in a highly sustainable and accessible location within walking distance of shops and other local facilities and with immediate access on Bromley Common (A21) to numerous bus routes linking the site to Bromley Town Centre and Bromley South Station.
2. The site is adjoined to the north by a new housing development forming part of the former Blue Circle Sports Ground development, which is now known as Trinity Village. To the east is residential development forming part of the Turpington Lane estate. To the south of the site is land forming part of Bishop Justus Secondary School whilst the western boundary is formed by the A21.
3. The site in its entirety comprises previously developed land. The northern part of the site, which is known as Potters Farm, has a lawful use for storage and distribution. There are existing commercial buildings on the site together with a large area of hardstanding. The southern part of the site is used by the West Kent – Bromley Sea Cadets. Located on the site are a range of buildings together with a sizeable area of hardstanding that is used as a parade ground.

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4. The Green Belt boundary in this area has existed unchanged since its original designation as part of the Kent Initial Development Plan in the 1950s. The Green Belt designation at this time included the former Blue Circle Sports Ground and part of the original area of Potters Farm to the north. The representation site, therefore, had a wider connection to a more substantial area of Green Belt.
 5. The Blue Circle site to the north has now been developed for housing and is to be removed from the Green Belt. Consequently, there are now materially different circumstances that exist to those which existed at the time of the original Green Belt designation.
 6. Whilst individual submitted sites, including the Potters Farm site have been assessed by the Council at the Regulation 18 stage, the methodology that was used by the Council to assess such sites is flawed in that it adopts a ‘policy on’ approach which is based on applying all policy designations as they currently exist. Such an approach, in effect, pre-determines the outcome on any site that is subject to an existing open space designation since the Council would appear already to have decided as a matter of policy that it is not going to review Green Belt boundaries or open space designations regardless of changed circumstances.
 7. Given that many of these boundaries and designations have existed without review for a considerable of time, such an approach does not take cognisance of the fact that circumstances may well have changed in relation to individual sites.
 8. Such an approach also does not recognise that policy has also changed in certain respects, for example, the acknowledgement that the partial or complete redevelopment of previously developed sites in the Green Belt would not constitute inappropriate development subject to there being no harm to the openness to the Green Belt or the purposes of including land within it than existing development.

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9. There have been two previous planning appeals dismissed for the redevelopment of, firstly, the overall site and, secondly, the northern Potters Farm site. In both instances the Inspectors accepted that the sites comprised previously developed land. The appeals were dismissed because the schemes in each case were judged to cause greater harm to the openness of the Green Belt than the existing situation and also because of conflict with existing employment policy. In both appeals, however, the principle of redevelopment was accepted.
 10. There has also been a material change in circumstances since these two previous appeals. Prior approval has been granted by the Council for the conversion and reuse of the existing buildings on Potters Yard as three dwellings. This has removed the loss of employment objection.
 11. In relation to the openness issue, the Council has also granted a Lawful Development Certificate under Class H of Part 7 of the GPDO for the erection of a new substantial commercial building on the site.
 12. A current appeal is in progress regarding a reduced scheme for housing development on the site which is due to go to Local Inquiry in 2018. There has been substantial local support, including a petition, submitted to PINS in support of the residential use of this vacant and derelict site.
 13. In the circumstances, it is submitted that the Council should take the opportunity of rationalising the Green Belt boundary given that the site will ultimately be developed having regard to current national Green Belt policy. Given that land is a finite and scarce resource, it is sensible that best use should, therefore, be made of this land. Efficient use of the land would be enabled by its removal from the Green Belt.
 14. Given the geography of the site a new, sound and defensible Green Belt boundary can be created using the A21 to the west and Magpie Hall Lane to the south.

-
15. The draft Local Plan should be adjusted for all of the reasons set out above such that the Potters Farm and Bromley Sea Cadet site is removed from the Green Belt. The Potters Farm site should be allocated as a future housing site.

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LONDON BOROUGH OF BROMLEY **LOCAL PLAN EXAMINATION**

HEARING STATEMENT

15TH November 2017

ISSUE 5 – THE SITES

This statement has been prepared on behalf of Joseph Samuel Limited
Land known Northern Lane, South Eden Park Road, Beckenham

1. The site is located on the eastern side of South Eden Park Road approximately 50 m to the south of the junction of South Eden Park Road/Hayes Lane/Stone Park Avenue/Wickham Road. (The Chinese Garage roundabout).
2. The site is in a sustainable and accessible location with immediate access to a number of bus routes that pass along adjoining roads and which link the site to Beckenham, Bromley and West Wickham town centres.
3. Located on the northern side of the Chinese garage roundabout is the Wickham Road local shopping parade which provides a range of convenience and other shops to serve the day to day needs of the local community. The site is also within easy walking distance of a range of social, community and leisure facilities. Harvington recreation ground and Kelsey Park are close by.
4. The site itself comprises an essentially triangular parcel of land amounting to some 1.44 hectares (4 acres) in extent. It comprises an area of despoiled and rough grassland that is bounded on all four sides by existing built development consisting of residential development, a motor car dealership and an indoor tennis and leisure centre.

-
5. There is no public access to the site which has remained fenced off and used only intermittently for commercial purposes since its disposal in 1999 by the Council to the Joseph Samuel Corporation.
 6. The site previously formed part of the Glaxo Wellcome research laboratories. The first phase of the redevelopment of Glaxo Wellcome comprising the residential estate now known as Langley Court immediately adjoins the site to the south. The second phase of residential development at the former Glaxo Wellcome site was further to the south and is now known as Langley Waterside. The third phase of the former Glaxo Wellcome redevelopment is currently under construction and partly adjoins the site to the south. The site is the last remaining fourth phase of the overall Glaxo Wellcome redevelopment.
 7. Facing the site on the opposite (western) side of South Eden Park Road are four modern detached houses constructed on the site of a former Council depot. There are also two older detached houses adjoining. Also on this western side of the site is the motor car dealership and servicing workshops of the Chinese Garage. To the north of the site are existing detached house. The immediately adjacent site at North Lodge and Jacanda Lodge has recently been granted planning permission for residential redevelopment. To the east are the rear gardens of houses in Wickham Way and the Park Langley Tennis and Leisure Club. On the northern boundary of the site is a private access drive known as North Drive. This was originally the main entrance into the Glaxo Wellcome Research Laboratories site. The private driveway transverses around the eastern boundary of the site.

Background

8. The site previously comprised part of the Glaxo Wellcome Research Laboratories. North Drive functioned as the main entrance into the complex. Glaxo Wellcome decided to close the research laboratories in 1995. There followed an extensive period of consultation between Glaxo and the Council regarding a Masterplan for the site.

These discussions took place in the context of preliminary work being undertaken at the time by the Council in respect of the preparation of the Bromley UDP. The UDP sub Committee in October 1997 resolved to designate the Glaxo site (known as Langley Court) as a proposal site in the draft UDP.

9. On the 18th November 1997, the Development Control Committee granted planning permission for the redevelopment of the Langley Court site for a mixed use of residential and B1 Business Use together with areas of the land around the boundaries of the site being retained as Metropolitan Open Land. The land was subsequently sold. The residential site (Langley Court) was bought and developed by Laing Homes.
10. The southern commercial site (which later became known as Langley Waterside) was bought by Brantome Property Holdings Limited, a company owned by the current landowner of the Northern Land. Following an unsuccessful extensive marketing campaign by Brantome for the development of the site for business use, the Development Control Committee on the 3rd August 1999 granted planning permission for residential development of the southern commercial land together with the construction of a new two form entry primary school. This was on the basis that the Council had a significant shortfall in housing supply.
11. During the processing of the application negotiations took place between the applicant and the Council which culminated in an agreement being reached whereby the applicant would provide land for the new primary school within the southern land application site. (Langley Waterside) in exchange for the Northern Land.
12. The Council had previously concluded that the Northern Land would not be able satisfactorily to accommodate the primary school because of the absence of appropriate play space/playing fields and difficulties with access. Location of the school on the southern commercial land would enable extensive playing fields adjacent to the southern commercial land at be utilised for school purposes.

-
13. A Section 106 Agreement was entered into between the applicant and the Council which provided that if residential development was permitted on the Northern Land within six years then 50% of the development value would accrue to the Council. Also as part of the agreement with the application, the land was downgraded to Urban Open Space in the UDP with the intention that it would then act as a reserve site for future housing.
 14. The current owner of the Northern Land has used the land intermittently for commercial purposes including a storage compound for a number of years for Thames Water who were upgrading all of the drainage infrastructure throughout Beckenham and subsequently for the parking of cars for the Chinese Garage which was allowed on appeal. This has now lapsed.
 15. Two applications for residential development of the land, one scheme comprising 105 units and the other scheme comprising 67 units were refused by the Council in 2017 and are currently the subject of appeals. The appeals are due to be heard at a Local Inquiry in January 2018. Planning permission was only refused in respect of the first scheme by nine votes to eight at the Council's Development Control Committee with the Chairman of the Committee and seven other members accepting that Policy G8 of the UDP was out of date and that the principle of housing development was acceptable.

Principle of Residential Development – Existing UDP Policy G8 – Proposed Draft Policy 55

16. The site is currently designated as Urban Open Space and so Policy G8 of the UDP applies. Paragraph 8.33 of the UDP states that areas identified as UOS serve two purposes. Firstly, they fulfil a specific function within their locality. Secondly, they provide an important break within the built up area. These are the two key tests, therefore, when assessing the significance of an open space that is so designated.

-
17. This was acknowledged by an Inspector in an appeal decision in November 2006 relating to land designated as UOS in Oakley Road, Bromley Common. This was one of the sites recommended for release as a housing allocation by Nathaniel Lichfield & Partners, as part of the 2006 UDP, a recommendation that the Council rejected.
 18. The Inspector allowed an appeal for the erection of 26 dwellings on the basis that the site did not perform any specific function. There was a large recreation ground nearby. He also concluded that the site did not provide an important break within the built up area. The Inspector noted that the protection given to UOS lies far below that given to the GB or MOL. Whilst the London Plan suggested that open space should be protected for its value to the community and the environment, the site did not support any beneficial activities within the community and was of limited importance to the surrounding environment. (**APPENDIX 1**)
 19. Prior to assessing the Northern Land in respect of these two tests, it is relevant to consider NPPF policy.
 20. Paragraph 73 of the Framework advises that policies such as G8 (and draft Policy 55) should be based on robust and up to date assessment for the needs of open space. The assessments should identify specific needs and quantitative for qualitative deficits of surpluses of open space in the local area. Paragraph 74 advises that existing open space should not be built on (as per Policy G8) unless an assessment has been undertaken which has clearly shown the open space to be surplus to requirements.
 21. The Bromley UDP is now some 11 years old and Policy G8 was based on a UDP topic/review paper on open space published in September 1997. There has been no subsequent open space assessment in the terms contemplated either by paragraph 73 and 74 of the Framework or by the predecessor PPG17.
 22. In the circumstances, it seems absolutely plain that draft Policy 55 is not based on a robust and up to date assessment of the needs for open space in the Borough.

-
23. An open space audit/assessment was carried out as part of the application submission for the Northern Land. The assessment followed the methodology that was set out in PPG17 and also the Mayor's Open Strategies Best Practice Guidance.
24. The audit/assessment demonstrated that the site is not in an area of open space deficiency. Indeed, there is a very substantial amount of open green space and public parks within 2 km of the site. The assessment also shows that the loss of this site as open space will not detract from the local area and that it can fairly be considered as surplus to open space requirements. This is one of the accepted categories that allows for development upon current open space as set out in paragraph 74 of the Framework. **(APPENDIX 2)**
25. Additionally, a Landscape and Visual Impact Analysis was undertaken in order to assess the loss of this open space in visual terms on the character and appearance of the area. The conclusion of the analysis was that the open characteristics of this land make little or no contribution to the visual quality of the area and that the site has no aesthetic importance.
26. All of these matters were drawn together in a recent Counsel's Opinion prepared in connection with the existing two appeals. Whilst the Opinion is directed towards advising on the appeals, Counsel's views on the interplay between the NPPF, UOS policy and housing land supply are relevant and the Opinion is attached as **APPENDIX 3**.

Conclusion

27. For all of the reasons set out above, the UOS designation should be removed from this site. Independent assessments demonstrate that the site meets none of the criteria set out in national policy and guidance for the continued protection of this land as open



space. The Council has chosen not to designate the site as local green space which would seem to indicate an acceptance of its very limited (if any) open space value. By contrast, the site would make a significant contribution to meeting the Borough's housing needs in a sustainable and accessible location. It should be allocated, therefore, as a future housing site.

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APPENDIX 1



Appeal Decision

Inquiry held on 19 and 20 October 2006

Site visit made on 20 October 2006

by **Stephen Roscoe** BEng MSc CEng MICE

an Inspector appointed by the Secretary of State for
Communities and Local Government

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Date: 15 November 2006

Appeal Ref: APP/G5180/A/06/2009765

Former Allotments, Oakley Road/Gravel Road, Bromley Common, Kent

- 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 Rookery Estate Company against the decision of the Council of the London Borough of Bromley.
- The application Ref DC/05/03843/OUT, dated 1 November 2005, was refused by notice dated 30 January 2006.
- The development proposed is residential development at a density between 30 & 50 dwellings per hectare.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Procedural Matters

1. The application was submitted in outline with all matters reserved. Following receipt of the application, the Council issued a direction requiring means of access to be submitted for consideration and also requested the provision of an illustrative layout. A layout was subsequently provided showing 12 dwellings on the site and a means of access from Gravel Road. The appellant's appeal submission included a further illustrative layout showing 26 dwellings on the site. I have taken into account these illustrative layouts in my decision and that the proposal includes an access from Gravel Road.

Main Issues

2. I consider the main issues in this case to be:
 - (i) whether the proposal would result in the harmful loss of urban open space and, if so, whether the provision of housing on the appeal site would outweigh any such harm;
 - (ii) the effect of the proposal on the character of the surrounding area in relation to the density of development; and
 - (iii) the effect of the proposal on the provision of affordable housing in the London Borough of Bromley.

Planning Policy

3. The development plan includes the London Borough of Bromley Unitary Development Plan (UDP) adopted in 2006. Within this plan, Policy G8 seeks to restrict development on areas of Urban Open Space (UOS). Such areas have been designated due to their local significance and significant contribution to the residential environment. The UDP policy adds that any development proposal should not unduly impair the open nature of the site.

Policy BE1 requires that development should not detract from the existing street scene, and Policy H7 sets out various criteria for housing development including density ranges. Policy H2 seeks to secure affordable housing on sites capable of accommodating 10 dwellings or more.

4. The development plan also includes the London Plan adopted in 2004. In this plan, Policy 3D.7 emphasises the importance of realising the potential value of open space to communities and of protecting the many benefits of open space, to the environment amongst other things. Policy 3D.11 encourages boroughs to produce open space strategies to protect and enhance such areas, and Policies 4B.1 and 4B.7 set out various criteria for development including the maximisation of the potential of sites and they seek to ensure that development respects local context, character and communities. Policies 3A.7 and 3A.8 seek to ensure that the London affordable housing targets are met, commensurate with the maximum reasonable amount on a particular site.

Reasons

Urban Open Space

5. The appeal site is designated as an area of UOS in the UDP. The reasoned justification for the designation of such areas requires them to have a specific function and to provide relief to a built up area. The site was previously used as allotments, but has been disused for some 10 years and does not have any permitted public access. The site would require much work in excess of normal maintenance to return it to allotment use and thus is beyond being merely vacant.
6. The site owner does not appear to have shown any commitment to the use of the site for allotments over a lengthy period of time, and I have not seen anything to suggest that the site would be likely to return to this use. I have much sympathy for the residents who wish to make use of allotments on the site, and I recognise that there is a demand for such a use in a stable area that is not unduly prone to vandalism or theft. The owner is not however under any obligation to keep the site available for allotment use, and indeed the Government recognises that the provision of allotments on private sites is essentially a charitable activity. Evidence of demand is not sufficient to require the retention of privately owned allotments and, given the circumstances surrounding the former allotments, I cannot see how the site would realistically address the demand in this area.
7. The Council has drawn my attention to action that they could take in relation to the site, but this only goes as far as limited tidying activities. I therefore do not consider that the site provides a specific function which contributes to the residential environment, which is one of the purposes of UOS as set out in the reasoned justification for UDP Policy G8.
8. I acknowledge that the open nature of the appeal site provides a break in the developed frontage along Gravel Road and Oakley Road. There is however a nearby recreation ground which fulfils the same function. Furthermore, the recreation ground is larger than the appeal site and has the benefit of an existing positive use. An area of Green Belt lies on the opposite side of Oakley Road to the appeal site. This covers a wide area and gives the opposite side of Oakley Road a rural appearance. As a consequence of these two nearby areas, the appeal site does not provide an important break within the built up area, as identified as the second reason for UOS designation in the justification for UDP Policy G8.

In view of all of the forgoing points, I consider that the appeal site has a limited value as UOS.

9. The protection afforded to UOS lies far below that given to the Green Belt or Metropolitan Open Land (MOL). The London Plan suggests that open space should be protected for its value to the community and the environment. The appeal site does not support any beneficial activities within the community and is of limited importance to the surrounding environment. Although I appreciate that this is a designated site in the recently adopted UDP, I consider that the loss of this area of UOS would only result in limited harm to any interests of acknowledged importance.
10. The London Borough of Bromley has experienced a substantial shortfall in the availability of housing over a number of years, with the shortfall increasing from 1,000 to 1,500 units between 2001 and 2004. The recently adopted UDP was the subject of a Public Inquiry in 2003. In her 2004 report, the UDP Inspector expressed concern that the emerging UDP did little to address the housing situation, and recommended an increase in housing densities and the number of sites allocated for housing. In her opinion, the appeal site was a serious contender in any search for additional housing land. She also recommended that, if the appeal site was not allocated for housing, its UOS designation should be reconsidered. I have not however seen any direct evidence that this has been done. Moreover, it appears that the appeal site is not included in any Council strategy to safeguard UOS.
11. The Council commissioned an independent report following the Inspector's recommendation that a sequential analysis of potential sites should be undertaken. The report suggested an increase in housing densities and also various Level 1 and Level 2 potential housing sites to address a shortfall of 2,000 units over the UDP period. I understand that Level 1 sites occupy previously developed land, and that the four sites in Level 2 are designated as UOS, MOL or Green Belt. The appeal site is the only UOS site in the Level 2 category, and the independent report suggests that its allocation for housing is inevitable over the plan period and is sequentially preferable to encroachment into the Green Belt or MOL. To allow the appeal would therefore not set any undesirable precedent.
12. Following the adoption of the UDP, the Secretary of State issued a direction requiring the Council to increase the housing densities in the UDP to the levels suggested by the London Plan, and the Government Office for London also recommended a review of the Council's housing policies. The Council is now preparing a development plan document on housing, but this will not result in any new allocations before 2009.
13. The Council acknowledges that development on previously developed land cannot meet the need for housing. In my opinion therefore, the proposal would make a useful contribution to the provision of much needed housing within the borough. Moreover, the site is in a single ownership, and land assembly would not be an obstacle to the delivery of housing development. UDP Policy G8 also records that in some cases, where built development is involved, the Council will weigh any benefits being offered to the community against a proposed loss of open space. This point is also made in Planning Policy Guidance Note 17 (PPG17): Planning for Open Space, Sport and Recreation and referred to in PPG3: Housing. In the Inquiry, both parties referred to the need to weigh housing demand against the benefits of the open space, and I agree that in this case a balance should be struck.

The London Plan also suggests that, in relation to development, the potential of sites should be maximised.

14. I therefore conclude that any harm from the loss of Urban Open Space as a result of the proposal would be limited and that this would be outweighed by the benefits offered to the community from the provision of housing on the appeal site. I further conclude that whilst the proposal would conflict with UDP Policy G8, it would not conflict with London Plan Policies 3D.7 and 3D.11 and Government advice in PPG17 bearing in mind the limited value of the site as an area of Urban Open Space.

Character

15. The housing around the appeal site generally comprises detached dwellings in ample plots and exhibits a traditional low density suburban character. To the west, the land within the Green Belt is open and semi-rural in character. In any views from the Green Belt, the busy Oakley Road is seen in front of the appeal site. The open nature of the site therefore adds little to the openness of the Green Belt. Furthermore, elsewhere along Oakley Road views from the Green Belt have housing behind the road, and thus the proposal would be little different to other sections of the road. I therefore do not consider that the proposal would injure the visual amenity of the Green Belt or conflict with the requirements of PPG2: Green Belts.
16. The houses adjoining the site to the north are newer than the general housing in the surrounding area. Their density is higher than other nearby housing, and the individual houses are much more closely spaced. This spacing is evident from the surrounding area due to the closeness of the upper floors and roofs. Although these 7 adjoining houses have open space immediately to the north and south, this does not reduce the effect that their higher density has on the surrounding area. Indeed, the open space makes the development more visible.
17. The proposal could result in housing at a density similar to the dwellings adjoining the site to the north. The illustrative layout submitted by the appellant with the appeal representations shows 26 units on the site, giving a density of some 45 dwellings per hectare. This layout includes detached houses, and the spacing between these would be greater than between those to the north. Furthermore, whilst the proposed density range would be higher than that which generally surrounds the site, it would accord with UDP Policy H7 and the Secretary of State's direction. Moreover, the lower surrounding density would not be by itself sufficient reason to dismiss the appeal and, if this were the general case, opportunities to develop at increased densities would be severely limited. In my opinion therefore, the higher proposed density would not be harmful to the character of the surrounding area.
18. The landscape in the area surrounding the site includes various street trees which break up views of existing development. The site is bounded by mature hedges to Gravel Road and Oakley Road. These are somewhat unkempt, but they do provide some variety alongside each of the roads. The illustrative proposal showing 26 units on the site also indicates sufficient space for a landscaped buffer to both roads, either by the retention of the existing hedges or with replacement planting. I therefore consider that the proposal would not necessarily require a hard developed frontage to the two roads, and that a varied street scene could be retained.

19. I acknowledge that some of the hedge alongside Gravel Road may have to be removed to provide highway visibility at the access to the site. This could involve the loss of some trees at and to the south of the access. I am satisfied however that, at the density proposed, sufficient length of the hedge and trees could remain and that, together with new planting, a soft frontage could be retained.
20. I therefore conclude that the proposal would not necessarily have a harmful effect on the character of the surrounding area in relation to the density of development, and that it would thus not conflict with UDP Policies BE1 and H7, and London Plan Policies 4B.1 and 4B.7.

Affordable Housing

21. From the evidence within the October 2003 Update Housing Needs Survey, I consider that there is a demonstrable lack of affordable housing in the borough to meet local requirements. The proposal would therefore need to include an element of affordable housing. The appellant has provided a unilateral undertaking from the landowner to secure the provision of affordable housing. The UDP requires there to be an element of affordable housing equivalent to 35% of the habitable rooms on the site, whereas the undertaking offers 35% of the development. I recognise that this could lead to a lower level of affordable housing on the site, but I do not believe that the possibility of such a reduction would be sufficient reason to dismiss the appeal. The Council raised a number of other matters relating to the unilateral undertaking, but I do not accept that any of these would affect its future performance. I am therefore satisfied that the undertaking is capable of securing an appropriate level of affordable housing.
22. I therefore conclude that the proposal would not have a harmful effect on the provision of affordable housing in the London Borough of Bromley, and that it would thus not conflict with UDP Policy H2 and London Plan Policies 3A.7 and 3A.8.

Other Matters

23. The independent report prepared following the recommendation of the UDP Inspector describes the site as being in a good and sustainable location for housing development. I consider that this adds weight to my opinion on the acceptability of the proposal.
24. The site layout showing 26 units includes a block of flats in close proximity to the northern boundary of the site. In view of the overall size of the site and the illustrative nature of this layout, I am satisfied that it should be possible to avoid any unreasonable harm to the living conditions of adjoining occupiers when the proposed layout and detailed design are finalised. Concerns have been raised in respect of loss of value to surrounding properties and loss of views from nearby housing. In this case, I do not consider any loss of value to be a planning consideration and the loss of nearby views would carry limited weight. I have already recorded that the area is overgrown. Whilst this may be of some benefit to wildlife, I have not seen anything to suggest that this would justify the retention of the undeveloped site.
25. Gravel Road appeared to me to be relatively quiet when compared with other roads in the surrounding area. I recognise that it is more heavily used in connection with pupils attending a nearby school, but this is for relatively short periods of time, and I do not consider that the proposal would materially affect congestion at these times. I have also

not seen anything of substance to suggest that there would be insufficient service infrastructure to serve the proposed development.

Conditions

26. I consider that conditions in relation to access and parking would be necessary in the interests of highway safety within the site and on Gravel Road, and in relation to the retention of trees on the site to protect the character and appearance of the surrounding area. I would however amend the Council's suggested conditions in the interests of precision and enforceability. In this regard I am not convinced that the substantial completion of the junction between the site access and Gravel Road would be sufficient to ensure that adequate highway safety was maintained, and the access should therefore be completed before any of the buildings hereby permitted are occupied. The Government publication Places Streets and Movement suggests that visibility should be maintained above 0.6m from carriageway level, and a corresponding condition would be necessary. Completion of the access road to buildings before occupation up to basecourse level would secure a satisfactory standard of highway safety and protect the appearance of the final development.
27. The Council has also suggested conditions in respect of landscaping, boundary enclosures, external materials, trees and permitted development rights. A landscaping condition would duplicate the standard outline condition. The standard condition would also allow the control of plant aftercare. The submission of hard landscape boundary enclosure details could be required under the standard condition, and this suggested condition would therefore also constitute duplication. External materials could be controlled under the subsequent approval of design details, and the presence of any existing trees within the visibility splay would be best considered at the same time as the junction details. These conditions would therefore be unnecessary. Furthermore, I cannot see any exceptional circumstances sufficient to justify the removal of permitted development rights on the site as a whole.

Conclusion

28. I have taken into account all other matters raised, but do not consider that any carry sufficient weight to alter my conclusions. I therefore conclude that the appeal should be allowed.

Formal Decision

29. I allow the appeal, and grant planning permission for residential development at a density between 30 & 50 dwellings per hectare at Former Allotments, Oakley Road/Gravel Road, Bromley Common, Kent in accordance with the terms of the application, Ref DC/05/03843/OUT, dated 1 November 2005, and the plans submitted with it, subject to the following conditions:
- 1) Details of the siting, design, external appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to, and approved in writing by, the local planning authority before any development begins, and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

- 3) The development hereby permitted shall begin either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4) Development shall not begin until details of the junction between the access to the site and the highway (including sight lines) have been submitted to, and approved in writing by, the local planning authority; and the buildings shall not be occupied until this junction has been completed in accordance with the approved details.
- 5) Development shall not begin until details of parking spaces, garages and turning areas have been submitted to, and approved in writing by, the local planning authority. Any building hereby permitted shall not be occupied until the parking spaces, garages and turning areas relating to it have been constructed in accordance with the approved details, and they shall subsequently be kept available for such use.
- 6) No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to basecourse level in accordance with the approved plans. The final dwelling to be completed of those hereby permitted shall not be occupied until all roads on the site have been completed in accordance with the approved plans.
- 7) No structure exceeding 0.6 metres above carriageway level shall be placed within the sight lines referred to in Condition 4.
- 8) No trees shall be felled, lopped, topped or pruned before or during building operations except with the prior agreement in writing of the local planning authority. Any trees removed or which die through lopping, topping or pruning shall be replaced in the next planting season with trees of a similar species, the details of which shall have been submitted to, and approved in writing by, the local planning authority prior to the planting of any replacement.

Stephen Roscoe

INSPECTOR

APPENDIX 2

Open Space Audit

Land at North Drive
South Eden Park Road
Beckenham

Client: Northern Land Developments Ltd

JFA Ref: KEN 2016

March 2016

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BRINGING NATURE TO THE HEART OF DESIGN

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Figures

Figure 1 – Open Space Audit

Figure 2 – Bromley Deficiency Comparison Map

Appendices

Appendix 1 – The London Hierarchy Table

Client	Northern Land Development Ltd
Date	March 2016
Revision	1
Author	Rob Gordon BSc (Hons) GradCIEEM
Checked	Jaquelin Clay BSc MSc CMLI FAE



Legend

Openspace PPG17 Typology

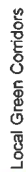
Allotments, Community Gardens
and Urban Farms



Amenity Greenspace



Cemetery

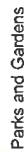


Local Green Corridors

Natural and Semi Natural Greenspaces,
Including Urban Woodland

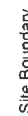


Outdoor Sports Facilities



Parks and Gardens

Provision for Children and Young People



Site Boundary



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BRINGING NATURE TO THE HEART OF DESIGN

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Alan Cook Consultants

Project name

Land at North Drive

Drawing title

Open Space Audit

Scale

NTS

Checked by

JC

Date

Mar 2016

Job number

KEN 2016

Drawing number

Figure 1




Rev

1





Legend

-  Measured Openspaces
-  Site Boundary
-  Deficiency Areas

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Bromley Deficiency Comparison Map

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Date

Mar 2016

Drawing number

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1.0 Introduction

- 1.1 JFA Ltd were commissioned by Alan Cook Consultancy on behalf of Northern Land Developments Ltd to undertake an open space audit of the open spaces in the vicinity of the Land at North Drive, South Eden Park Road, Beckenham
- 1.2 The Land at North Drive (also referred to as the site) is located at TQ379683. To the North West is Kelsey Park and the northern tip of Harvington Park is located directly to the west. To the south is mixed residential and amenity greenspace with the Park Langley Club sports centre directly adjacent to the south-east of the site boundary. To the east is predominantly residential areas.
- 1.3 The site is 1.3ha in size and has been described in the Preliminary Ecological Appraisal as an open grassland area with a number of trees around the boundary. The site does not have any public access and is listed on the Bromley UDP map as Urban Open Space (UOS). In the supporting information for Bromley's UDP (policy G8) on open space states:

"The Council considers that the numerous open spaces within the urban area, not already defined as Metropolitan Open Land, also require protection. The areas that have been identified as UOS are considered to be of local significance. Not all of them have public access, but they nevertheless fulfil specific functions within their localities and provide important breaks within the built-up area. In so doing, they make a significant contribution to the residential environment. The sites comprise a variety of uses, the main ones being private and public recreational open space, schools, playing fields and allotments." (my underline)

- 1.4 Paragraph 74 in Chapter 8, of the National Planning Policy Framework (NPPF) states that:

"Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."*

- 1.5 The aim of this audit is to demonstrate that the Land North at North Drive is surplus to requirements as open space that it does not fulfil a specific function, does not provide an important break in the built up area and that the area surrounding the site contains many other areas of open space which provide a greater benefit to the public.
- 1.6 The recommended approach to auditing open spaces is described within the PPG17 companion document and the Mayor of London's Open Strategies Best Practice Guidance (2009) document. The method involves an intensive process of desk based spatial analysis and site based valuation assessments which are then used to further identify open space needs and surpluses. The approach used for this audit is a smaller scale approach intended to indicate the level and quantity of open space in the surrounding areas to the Land at North Drive.
- 1.7 Paragraph 73 in Chapter 8, of the NPPF States:
- "Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required."*

2.0 Methodology

- 2.1 The methodology for conducting the open space audit has been based upon the typology laid out in the PPG17 companion document. Although this guidance has now be superseded by the NPPF, the typology it provides a useful system for categorising open spaces which has been used in many larger scale open space audits. Once categorized in this respect the quantitative data is then comparable to other audits and strategies, as well as providing stand-alone information on the level of open space in the vicinity. This typology also forms the basis of categorisation currently used by the Greenspace information for Greater London (GiGL).
- 2.2 An area of 2kms around the site was chosen to be the area of assessment for this audit. This zone covers an area of 1324.7 hectares and will be referred to as the measured area in the remainder of this assessment.

2.3 All the spatial analyses were completed within GIS software, as recommended in the PPG17 guidance on conducting open space audits. The initial data on the location and sizes of the open spaces was derived from Open Street Map (OSM). This is an open data map service that provides free map data. All the attributes from the OSM data sets were examined and those that represent types of open spaces were selected. Further data on the location of open spaces was gained from the Ordnance Survey Opendata (Openmap Local) dataset and the Priority Habitats Index (PHI) dataset available from Natural England.

2.4 These datasets were combined within the GIS; the OS dataset and PHI dataset being used to show additional spaces not covered by the areas within the OSM dataset. Care was taken to ensure that no spaces were overlapping and therefore double-counted. The resulting dataset was then verified using aerial imagery and any additional open spaces not already covered were added on manually. The final dataset was checked again for errors and boundary accuracy to ensure that the analysis could produce reliable space measurements.

2.5 The resulting data was then classified into the most appropriate PPG17 typology category. Table 1 shows the typology and primary purposes and Figure 1 shows the final open spaces map.

2.6 *Table 1: PPG17 Typology*

Typology	Primary Purpose
Parks and Gardens	Accessible, high quality opportunities for informal recreation and community events.
Natural and semi-natural greenspaces, including urban woodland.	Wildlife conservation, biodiversity and environmental education and activities
Local Green corridors	Walking, cycling or horse riding, whether for leisure purposes or travel and opportunities for wildlife migration
Outdoor Sports Facilities	Participation in outdoor sports, such as pitch sports, tennis, bowls, athletics or countryside or water sports
Amenity Greenspace	Opportunities for informal activities close to home or work or enhancement of the appearance of residential or other areas.
Provision for children and young people	Areas designated primarily for play and social interaction involving children and young people, such as equipped play areas, ball courts, skateboard areas and teenage shelters.
Allotments, Community Gardens and Urban Farms	Opportunities for those people who wish to do so to grow their own produce as part of the long term promotion of sustainability, health and social inclusion.
Cemeteries and churchyards	Quiet contemplation and burial of the dead, often linked to the promotion of wildlife conservation and biodiversity
Civic spaces	Provides open space amenity. Includes civic and market squares and other hard surfaces designed for pedestrians.

2.7 The conversion between categories was initially based upon the categories provided in the Open Street Map layers. The use and type of the site was verified by viewing the location on aerial images and, where necessary, conducting web searches. Table 2 shows how the original categories were converted.

2.8 *Table 2: Original category conversions into PPG17 Typology*

Original Categories	Source of Category	PPG17 Conversion
Cemetery	Open Street Map	Cemetery
Recreation Ground	Open Street Map	Outdoor Sports Facilities
Meadow	Open Street Map	Natural and Semi-Natural Greenspaces, Including Urban Woodland
Golf Course	Open Street Map	Outdoor Sports Facilities
Park	Open Street Map	Parks and Gardens
Allotments	Open Street Map	Allotments, Community Gardens and Urban Farms
Miniature Golf	Open Street Map	Outdoor Sports Facilities
Village Green	Open Street Map	Amenity Greenspace
Wood	Ordinance Survey Opendata (Openmap Local)	Natural and Semi-Natural Greenspaces, Including Urban Woodland
Playground	Open Street Map	Provision for Children and Young People
Pitch	Open Street Map	Outdoor Sports Facilities
Grass	Open Street Map	Natural and Semi-Natural Greenspaces, Including Urban Woodland
Garden	Open Street Map	Parks and Gardens
Unallocated	Additional spaces not seen on any map sources	Amenity Greenspace
Green	Open street Map	Amenity Greenspace
Playfield	Open street Map	Provision for Children and Young People
Additional PHI	Natural England Priority Habitat Inventory	Natural and Semi-Natural Greenspaces, Including Urban Woodland

2.9 The primary category unallocated was applied to areas that did not appear on any of the data sources but were clearly seen to be open space on aerial imagery. This category was only applied to two parcels of land directly south of the site. These were included as they are shown on the Bromley Proposals Map as Urban Open Space (UOS) and their use was best determined as amenity greenspace via aerial imagery.

2.10 All of the spaces that were defined as: *Natural and Semi-natural Greenspaces, Including Urban Woodland* were further examined in respect to their shape and characteristics

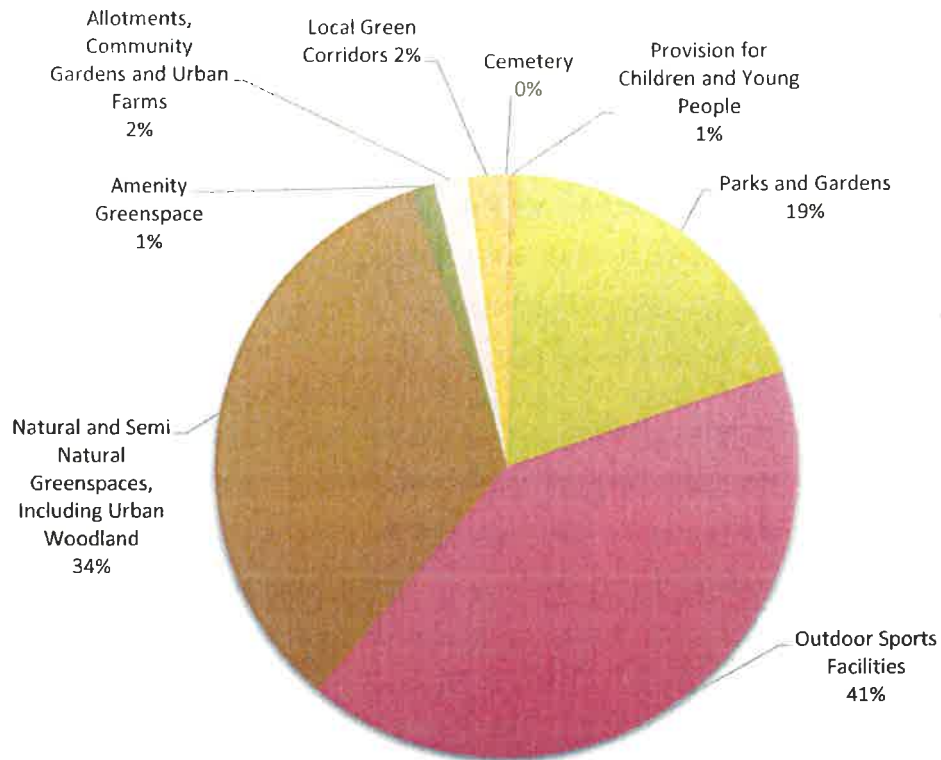
(including areas beyond the measured boundary) so that they may be considered for inclusion as *Local Green Corridors*. This category is therefore not shown in table 2.

- 2.11 Once finally categorised into the PPG17 typology, the total size of each category and the overall area of the 2km zones was calculated within the GIS and the results exported into excel for final analysis.
- 2.12 The Land at North Drive was not included in any of the open space measurements or categorisation. As with the other UOS to the south of the site, it also did not appear on any of the data sources used. The site also does not appear as open space on the Greenspace information for Greater London (GiGL) data portal.
- 2.13 If the site had been included within the assessment under the same methodology; it would have first been unallocated before being attributed to the PPG17 category: *Natural and Semi-Natural Greenspaces, including Urban Woodland*. It differs from the categorisation of the other unallocated sites nearby as it is unmanaged and unused whereas the other unallocated sites appear managed with benches, paths and planting beds visible.

3.0 Results

- 3.1 The results of the calculations show that there is a significant amount of open space within the area looked at. Figure 1 shows all the open spaces and their distribution within the measured area. The majority of this open space consists of *Outdoor Sports Facilities* and *Natural and Semi-Natural Greenspaces, including Urban Woodland* with a combined total of 207.5 hectares (approx. 75% of open space measured). Chart 1 gives an overview of the distribution of open space and Table 3 shows the final area calculations and percentages for all typology categories.

3.2 Chart 1: Percentages of open spaces as classified by PPG17 typology



3.3 Table 3: Open Space Area Calculations

Space	Size (ha)	Percentage
Cemetery	0.1ha	0.02%
Provision for Children and Young People	1.8ha	0.64%
Parks and Gardens	52.9ha	19.16%
Outdoor Sports Facilities	114.7ha	41.25%
Natural and Semi Natural Greenspaces, Including Urban Woodland	92.8ha	33.64%
Amenity Greenspace	3.6ha	1.31%
Allotments, Community Gardens and Urban Farms	5.1ha	1.85%
Local Green Corridors	5.9ha	2.12%
Total	276.9ha	100%
Site	1.3ha	N/A
Buffer Area (2km around site)	1324.7ha	N/A

4.0 Discussion

Site Measurements

- 4.1 The data sources used are all freely available information sources that have been compiled together within a single GIS project to provide the level of information required. Constant verification with underlying aerial imagery (again from freely available sources) has ensured that this has fairly and accurately covered the spaces within the measured area.
- 4.2 The use of GIS to compile and analyse the datasets conforms to the recommendations in the Mayor's Open Space Strategies Best Practice Guidance and the PPG17 Companion Guide. The larger-scale audits gain baseline spatial data from OS MasterMap data which is a costly purchase and considered to be beyond the scope of this assessment.

PPG17 Typology Conversion

- 4.3 The majority of open space audits conducted by local authorities are based on value as well as space size. The assessment of value and verification of the typology classification is quite often undertaken through site visits. However, these have not been undertaken as it is unnecessary for the purposes of this assessment. It is possible that in a more detailed assessment some of the sites may swap categories and/or may be broken down into smaller units and split across multiple categories. For example some areas of *Parks and Gardens* may be included as *Amenity Greenspace* and it may be preferable to include some wooded areas of *Parks and Gardens* into *Natural and Semi-Natural Greenspaces including Urban Woodland* or vice versa. But in this case, this level of assessment would have little bearing on the reasons for undertaking the analysis.
- 4.4 The *Natural and Semi-Natural Urban Greenspace, including Urban Woodland* directly to the west of the site does actually form part of Harvington Park and so could have also been attributed to *Parks and Gardens* but under the methodology used, the current classification is considered most appropriate.
- 4.5 The desk-based approach to this assessment has been able to accurately assess the sizes of the open spaces and broadly categorise them to the standardised PPG17 typology to provide a robust and proportional assessment of the size and distribution of open spaces in the measured area. Further work to carry out detailed site classification assessments would not significantly change the quantity of spaces and would likely only have a moderate effect on the distribution across the categories.

- 4.6 It is worth noting that as the measured area is only sites within 2kms, some of the individual spaces actually extend beyond the border of the measured area and so may be larger than calculated.
- 4.7 No *Civic Spaces* have been recorded. These are defined as hard surfaced pedestrian areas. Although it is likely that some of this space does exist with the measured area it is likely to be small in size and due to a significantly different make-up and value, it is considered not important in respect to the Land at North Drive.

Site Valuation

- 4.8 As detailed site visits have not been undertaken it is not possible to fully assess the value of all the open spaces. Site valuation is a key component of many larger-scale audits that are looking to determine open space needs, with many aspects of the site being considered to determine value. One of the important aspects is accessibility by the public as this would determine if the site has an intrinsic value or a more general aesthetic value. The Mayor of London's Open Space Strategies Best Practice Guidance (2009) states:

"The companion guide to PPG17 recommends (and the London Plan requires) that all open spaces (except for private gardens), irrespective of ownership and public access, should be included in an assessment, as a basis for setting comprehensive local standards for open space."

- 4.9 Based upon this guidance all open spaces, except private gardens, have been included in the measurements; but it is clear that accessibility to the public is an important factor when determining the function of a site as open space. Some of the access to certain space categories can be easily determined or safely assumed. For example much of the *Parks and Gardens* category are formed of large public parks which are by their nature, fully accessible to the public. The *Outdoor Sports Facilities* are more likely to have mixed access as they may require fees or not be suitable for general use. The accessibility of the *Natural and Semi-Natural Greenspaces including Urban Woodland* is probably the most difficult to summarise as these areas could range from similar access to public parks to areas of private land with no access at all. In the latter instance they would then only have some level of aesthetic value based upon its size and proximity to other similar areas.
- 4.10 The value of any of the spaces to biodiversity will vary from site to site and is likely to not be connected to the amount of public access; and therefore could only be assessed via a specific site-based ecological assessments.

Assessment of Open Space in the Area

- 4.11 The assessment conducted has shown there is significant open space within the measured area. Out of the 1324.7ha of space that the 2km measurement area covers; 276.9ha has been recorded under one of the open space typologies. This amounts to approximately 21% of the total space, this figure does not include the site itself but at 1.3ha this would not change the percentage significantly.
- 4.12 It has not been possible to compare this with other assessments, as Bromley currently does not currently have an open space strategy or open space needs audit. Within the Bromley UDP a deficiency map has been produced which identifies areas of deficiency based upon a single level of the London Hierarchy; Local Park Level. The London Hierarchy table can be seen in Appendix 1.
- 4.13 The London Hierarchy approach looks at the proximity of open space sites to residential areas. Larger open space sites are deemed more accessible at longer distances whereas smaller sites are only deemed useful at shorter distances.
- 4.14 The Local Park Deficiency Map that has been produced for Bromley. The land at North Drive is not within an area of identified deficiency. There is an area of deficiency to the east and north of the site. Supporting information for Policy L8 of the Bromley UDP states:
- “Some areas of deficiency are unlikely to be reduced in the foreseeable future. A priority for the Council will be addressing the lack of open space at local park level (2ha). Small local parks are particularly valuable to the less mobile, such as the elderly and carers with young children. Public open space can be provided appropriately as part of new housing, retail, leisure and employment developments. Where appropriate, the Council will seek, by agreement, provision of new open space in such developments.”*
- 4.15 As The Land at North Drive is 1.3ha it would fall into the London Hierarchy as a *Small Open Space*. These are described as: *“Gardens, sitting out areas, children’s play spaces or other areas of a specialist nature, including nature conservation areas”*. However, the site is not a garden, sitting out area, children’s play space, other area of special interest nor has it been identified as a nature conservation area. It therefore does not meet the criteria for a Small Open Space.
- 4.16 Figure 2 shows the area highlighted on the Local Park Deficiency with respect to the open spaces measured as part of this assessment. As the map shows there is a significant number

of open spaces in the close vicinity of the site, two of these are publicly accessible parks (Kelsey Park to the north and Harvington Park to the west) and therefore provide the local public with much more valuable open spaces than the Land at North Drive.

5.0 Conclusion

- 5.1 This open space audit has been able to source and analyse freely available data to produce a summary audit of the open spaces within a measured area of 2km around the Land at North Drive. The resulting calculations have been converted into the standardised typology set out in the PPG17 guidance which is still used as a basis for categorising open spaces by many local authorities and the GiGL.
- 5.2 The analysis has shown that 21% of the measured area is open space. Much of this open space is formed of natural green spaces and public parks which is likely to have good general public access and a high level of aesthetic value.
- 5.3 The Land at North Drive is currently considered Urban Open Space (UOS) within Bromley's UDP. Supporting information for Policy G8 (see para 1.3) states that UOS: *"provide important breaks within the built-up area. In so doing, they make a significant contribution to the residential environment"*. This assessment has shown that the levels of other open spaces within the measured area and specifically within the immediate area to the site; demonstrate that the loss of this site as open space will not detract from the local area either in public value or aesthetic appeal.
- 5.4 Therefore it is considered that due to the lack of the site's function as public open space it is fair to consider it surplus to requirements in this respect. This is provided as one of the accepted reasons to develop upon current open space in Chapter 8 of the National Planning Policy Framework (NPPF) (see para 1.4). Its value to biodiversity is discussed in the Preliminary Ecological Appraisal completed by The Ecology Partnership in December 2015
- 5.5 Chapter 8 of the NPPF also states that planning policies need to have robust and up-to-date assessments of the needs for open space which will better inform surpluses or deficits of open space (see para 1.7). Bromley Borough Council currently have not conducted an open space audit and therefore it can be argued that there is not a robust open space needs assessment in place. Without this information, the proportionality of including the Land at North Drive as UOS is difficult to fully justify and may not reflect the true character of the area.

6.0 References

London Borough of Bromley (2006) *Interactive Unitary Development Plan*. Bromley.

CABE Space (2009) *Mayor of London's Open Space Strategies, Best Practice Guidance*. London.

Department for Communities and Local Government (2012) *National Planning Policy Framework*. London.

Department for Communities and Local Government (2002) *Assessing needs and opportunities: a companion guide to PPG17*. London.

The Ecology Partnership (2015) *Preliminary Ecological Appraisal, Land at North Drive South Eden Park Road, Beckenham*. Surrey.

7.0 Data Sources

Natural England Digital Boundary Datasets. Priority Habitats Inventory – Central. Licenced under the Open Government Licence (OGL) 2016

OpenStreetMap® is open data, licensed under the [Open Data Commons Open Database License](#) (ODbL) by the [OpenStreetMap Foundation](#) (OSMF).

Ordnance Survey Opendata; Openmap Local. Crown Copyright and database right 2016

Greenspace Information for Greater London online portal (iGiGL).
<http://www.gigl.org.uk/access-our-data/igigl/>

Appendix I

The London Hierarchy Table

Table 4: The London Open Space Hierarchy

Open Space categorisation	Size Guide-line	Distances from homes
Regional Parks Large areas, corridors or networks of open space, the majority of which will be publicly accessible and provide a range of facilities and features offering recreational, ecological, landscape, cultural or green infrastructure benefits.	400 hectares	3.2 to 8 kilometres
Metropolitan Parks Large areas of open space that provide a similar range of benefits to Regional Parks and offer a combination of facilities at a sub-regional level, are readily accessible by public transport and are managed to meet best practice quality standards.	60 hectares	3.2 kilometres
District Parks Large areas of open space that provide a landscape setting with a variety of natural features providing a wide range of activities, including outdoor sports facilities and playing fields, children's play for different age groups and informal recreation pursuits.	20 hectares	1.2 kilometres
Local Parks and Open Spaces Providing for court games, children's play, sitting out areas and nature conservation areas.	2 hectares	400 metres
Small Open Spaces Gardens, sitting out areas, children's play spaces or other areas of a specialist nature, including nature conservation areas.	Under 2 hectares	Less than 400 metres
Pocket Parks Small areas of open space that provide natural surfaces and shaded areas for informal play and passive recreation that sometimes have seating and play equipment.	Under 0.4	Less than 400 metres
Linear Open Spaces Open spaces and towpaths alongside the Thames, canals and other waterways; paths, disused railways; nature conservation areas; and other routes that provide opportunities for informal recreation. Often characterised by features or attractive areas which are not fully accessible to the public but contribute to the enjoyment of the space.	Variable	Wherever

APPENDIX 3

**IN THE MATTER OF A PLANNING APPLICATION REGARDING THE NORTHERN LAND, SOUTH
EDEN PARK ROAD, BECKENHAM, KENT.**

OPINION

1. I am asked by John Escott of Robinson Escott Planning to advise Mr Joe Dayani in respect of an application for residential development on land at South Eden Park Road, Beckenham, Kent. The site is the last remaining part of the former Glaxo Wellcome Research laboratories site at Beckenham.
2. The application for planning permission is supported by a Planning Statement dated May 2016 which sets out the principal issues in respect of the application and provides a detailed planning history of the site, which I do not repeat here.
3. The land is currently identified and designated as Urban Open Space in Policy G8 of the Bromley UDP and the Planning Statement acknowledges that there is "prima facie" conflict with the G8 designation.
4. Policy G8 of the UDP provides:
"Proposals for built development in areas defined on the Proposals Map as Urban Open Space (UOS), will be permitted only under the following circumstances:

(i) the development is related to the existing use (in this context, neither residential nor indoor sports development will normally be regarded as being related to the existing use); or

(ii) the development is small scale and supports the outdoor recreational uses or children's play facilities on the site; or

(iii) any replacement buildings do not exceed the site coverage of the existing development on the site.

Where built development is involved; the Council will weigh any benefits being offered to the community, such as new recreational or employment opportunities, against a proposed loss of open space.

In all cases, the scale, siting, and size of the proposal should not unduly impair the open nature of the site."
5. Paragraph 8.34 of the written statement of the UDP states:

"The primary purpose of this policy is to protect the open character of these smaller open spaces. Clause (i) of the policy recognises that additions or extensions may be necessary, provided that they are related to and essential for the function of the existing main use. In this context, residential and indoor sports development will not be regarded as acceptable, related uses."

6. I am asked to advise as to the approach to the question of weight to be applied to policy G8 that Bromley Council, the Local Planning Authority, should be advised to take in determining this application.
7. The UDP was adopted by the Council, in July 2006, long before the publication of the National Planning Policy Framework (NPPF) in March 2012.
8. Paragraph 215 of the NPPF therefore applies which advises that weight is to be attributed to policies in the UDP according to their degree of consistency with the Framework
9. The designation of the site as UOS in 2006 was based on an open space assessment carried out in 1997 and my clients have pointed out in a covering letter which accompanied the application that the assessment is out of date. The site is fenced off, as it has been since 1999. A robust and up-to-date assessment of open space, carried out by specialist consultants and submitted with the application, demonstrates that the site does not contribute any open space or serve any visual functions and that the site is not within an area of open space deficiency. The assessment provides a closely reasoned and researched assessment of open space in area and the role of the site in meeting the open space needs of the area. It describes the site as *"unmanaged and unused"* and concludes that *"the loss of this site as open space will not detract from the local area either in public value or aesthetic appeal"* and it is therefore *"fair to describe the site as surplus to requirements."*
10. Paragraphs 73 and 74 of NPPF state:

*"73. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. **Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new***

provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- ***an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or***
- ***the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or***
- ***the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.” [Emphasis added]***

11. Accordingly if paragraphs 73 and 74 of the NPPF are applied the justification for the UOS designation of the site no longer exists.
12. Moreover, the situation is compounded by the fact that the Council is now unable to demonstrate an up to date five year housing land supply and this position has been confirmed in a recent appeal decision dated 2 August 2016 [Ref: APP/G5180/W/16/3144248 *Land to the rear of former Dylon International Premises, Station Approach, Lower Sydenham, London SE26 5HD*] (“the Dylon appeal”). In that decision Inspector Katie Peerless dismissed an appeal against refusal of planning permission for reasons that are specific to that appeal site. However, she found that the Council was unable to demonstrate a five year deliverable supply of housing land.
13. In my view, this is a highly relevant up to date decision and should be treated as a sound basis for consideration of the key questions that arise where a LPA is unable to demonstrate a five year housing land supply, which means that:
 - (i) paragraph 49 of NPPF applies to policies for the supply of housing in the development plan which cannot be treated as being up to date; and
 - (ii) paragraph 14 of NPPF is therefore engaged which requires that, where relevant policies are out-of-date, applications for planning permission should

be granted unless “.....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; or specific policies in this Framework indicate development should be restricted.”⁹”

14. Examples of the “specific policies” are identified in footnote 9 of the Framework as:

“... those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.”

15. Clearly the list is not exhaustive and provides examples, but it is clear that Urban Open Space is not a “Footnote 9” policy. It is a local policy not to be equated with the kind of policies given for example in Footnote 9 of the NPPF which have been characterised by the Court of Appeal as: *“...interests of acknowledged importance – some of them also subject to statutory protection – [in respect of which] the NPPF has specific policies.”*¹

16. The question of the approach to decision making where the LPA cannot demonstrate a five year housing land supply is one which has been subject of recent consideration by the Court of Appeal in Suffolk Coastal District Council v Hopkins Homes Ltd [2016] EWCA 168

17. Although that decision is now the subject of an appeal to the Supreme Court which is to be heard in February of 2017, it nevertheless provides the current state of the law for the determination of this application.

18. The judgement of Lindblom L.J. in Suffolk Coastal makes it clear that the question whether a policy is a “relevant policy for the supply of housing” within the meaning of paragraph 49 NPPF is a question of planning judgement for the decision maker providing he/she directs themselves properly as to the law. He then sets out the legal interpretation of the term “relevant policies for the supply of housing”, in NPPF49:

¹ Suffolk Coastal D.C. v Hopkins Homes [2016] EWCA 1618 at [39]

"32. The contentious words are "[relevant] policies for the supply of housing". In our view the meaning of those words, construed objectively in their proper context, is "relevant policies affecting the supply of housing". This corresponds to the "wider" interpretation, which was advocated on behalf of the Secretary of State in these appeals. Not only is this a literal interpretation of the policy in paragraph 49; it is, we believe, the only interpretation consistent with the obvious purpose of the policy when read in its context. A "relevant" policy here is simply a policy relevant to the application for planning permission before the decision-maker – relevant either because it is a policy relating specifically to the provision of new housing in the local planning authority's area or because it bears upon the principle of the site in question being developed for housing. The meaning of the phrase "for the supply" is also, we think, quite clear. The word "for" is one of the more versatile prepositions in the English language. It has a large number of common meanings. These include, according to the Oxford Dictionary of English, 2nd edition (revised), "affecting, with regard to, or in respect of". A "supply" is simply a "stock or amount of something supplied or available for use" – again, the relevant definition in the Oxford Dictionary of English. The "supply" with which the policy is concerned, as the policy in paragraph 49 says, is a demonstrable "five-year supply of deliverable housing sites". Interpreting the policy in this way does not strain the natural and ordinary meaning of the words its draftsman has used. It does no violence at all to the language. On the contrary, it is to construe the policy exactly as it is written.

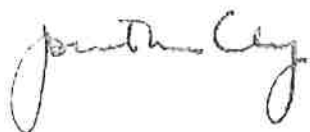
- 33. Our interpretation of the policy does not confine the concept of "policies for the supply of housing" merely to policies in the development plan that provide positively for the delivery of new housing in terms of numbers and distribution or the allocation of sites. It recognizes that the concept extends to plan policies whose effect is to influence the supply of housing land by restricting the locations where new housing may be developed – including, for example, policies for the Green Belt, policies for the general protection of the countryside, policies for conserving the landscape of Areas of Outstanding Natural Beauty and National Parks, policies for the conservation of wildlife or cultural heritage, and various*

policies whose purpose is to protect the local environment in one way or another by preventing or limiting development. It reflects the reality that policies may serve to form the supply of housing land either by creating it or by constraining it – that policies of both kinds make the supply what it is.

19. It is abundantly plain from applying this analysis that UDP policy G8 is a relevant policy for the supply of housing within the meaning of NPPF para 49.
20. As the absence of a five year housing land supply means that the second limb of paragraph 14 of NPPF is therefore engaged, the principal question to be considered in determining the application is whether the *"...adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the] Framework taken as a whole."*
21. The judgement makes it clear that this does not mean that the development plan policies are to be ignored, nor does it establish what weight should be attributed to the relevant policies. This again is for the decision maker, correctly directing him or herself as to the law.
22. However, the judgement also makes it clear that *"the weight to be given to out-of-date policies for the supply of housing will normally be less than the weight due to policies that provide fully for the requisite supply"*. [47]
23. In this case, the weight to be attributed to the policy should be much reduced not only because Policy G8 is a policy for the supply of housing in circumstances where the Council is unable to demonstrate a five year housing land supply, but it is manifestly out of date on the basis that NPPF para 215 applies; being derived from an assessment of open space that dates from 1997, which has now been shown to be out of date and where the land no longer serves any open space or visual functions and where an up to date assessment of open space has demonstrated that there is no deficit and the land is surplus to requirements for open space.
24. In my view, the combination of these factors would lead any rational authority to the inevitable view that very little weight can be attributed to Policy G8.
25. On the other hand of the balancing equation, the contribution that the site can make in contributing to the shortfall of housing land and the provision of affordable housing in the Borough is clearly very significant and accordingly it should be attributed substantial weight in any decision and would be likely to be attributed

such weight in the event of an appeal under section 78 of the Town and Country Planning Act 1990.

26. If I can assist further in this matter, my Instructing Consultant should not hesitate to contact me.



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5 September 2016



LONDON BOROUGH OF BROMLEY

LOCAL PLAN EXAMINATION

HEARING STATEMENT

15TH November 2017

ISSUE 5 – THE SITES

This statement has been prepared on behalf of Mr P Antill
Thornet Wood Road, Bickley

1. The site is located on the eastern side of Thornet Wood Road immediately to the south of existing housing on Thornet Wood Road. To the east is a relatively modern and substantial new housing development on the former Ministry of Defence 'Aquila' site. Facing the land to the west is the Bickley Manor Hotel. The site is adjoined on three sides, therefore, by existing built development.
2. The site is in a sustainable and accessible location within walking distance of bus routes along Blackbrook lane to the north west of the site which connect to Bickley and Chislehurst Stations. The Inspector in the 2004 UDP Inquiry concluded in relation to land on the opposite side of Thornet Wood Road, fronting Blackbrook Lane that in a suburban setting such as this, the site was reasonably accessible, on a bus route and within walking distance of two stations. She recommended on that particular site that it should be included as a reserve site in any subsequent sequential assessment.
3. The site currently comprises unused scrub land. There is a well-established hedgerow and tree belt along the Thornet Wood boundary.

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4. The Green Belt boundary would appear to have existed unchanged since its original designation as part of the Kent Initial Development Plan in the 1950s. The Green Belt designation at this time included the Aquila site to the east such that the site was surrounded on three sides by Green Belt land to which there was obviously a wider connection. The Aquila site to the east is now removed from the Green Belt and consequently, there are materially different circumstances to those which existed at the time of Green Belt designation.
 5. Whilst individual submitted sites have been assessed by the Council at the Regulation 18 stage, the methodology that was used by the Council to assess such sites is flawed in that it adopts a ‘policy on’ approach which is based on applying all policy designations as they currently exist. Such an approach, in effect, predetermines the outcome on any site that is subject to an existing open space designation since the Council would appear already to have decided as a matter of policy that it is not going to review any boundaries or open space designations.
 6. Given that many of these boundaries and designations have existed without review for a considerable of period of time, such an approach does not take cognisance of the fact that circumstances may well have changed in relation to individual sites.
 7. It also does not recognise that policy has also changed in certain respects, for example, the acknowledgement that the partial or complete redevelopment of previously developed sites in the Green Belt would not constitute inappropriate development subject to there being no harm to the openness of the Green Belt or the purposes of including land within it than existing development.
 8. In the circumstances, in order to ensure that Green Belt and other open space boundaries endure into the longer term, a full and transparent Green Belt and open space boundary review must be undertaken as a prelude to any subsequent ‘policy on’ assessment.

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9. In relation to this particular site, circumstances have changed materially since the Green Belt boundary was designated in this area. In particular, the site is now adjoined to the east by a very substantial housing estate. Removal of this housing estate from the Green Belt results in a rather illogical boundary. The land, together with the adjoining former MOD playing fields to the south, would form a finger of Green Belt adjoined on two sides by housing and by Thornet Wood Road and a substantial hotel complex on the third.
 10. A far more logical and defensible Green Belt boundary would result from continuing the boundary on the southern side of the Aquila housing estate until it intersects with Thornet Wood Road thereby excluding this site and the adjacent former Aquila sports field.
 11. Removal of the site from the Green Belt would not prejudice the wider strategic function of the Green Belt in this area. Removal of the site from the Green Belt would provide an opportunity for new housing development to beat the identified housing need.
 12. The Green Belt boundary should be adjusted for all of the reasons set out above such that this site is excluded from the Green Belt and is included in the Local Plan as a housing allocation.

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LONDON BOROUGH OF BROMLEY **LOCAL PLAN EXAMINATION**

HEARING STATEMENT

15TH November 2017

ISSUE 10 – VALUED ENVIRONMENTS

This statement has been prepared on behalf of Langford Walker Limited, Joseph Samuel Corporation and Mr P Antill

THE ISSUE

Are the policies relating to valued environments justified, consistent with national policy and will they be effective.

1. (Q42) There is no evidence base to support the strategy of the Local Plan that the boundaries of GB, MOL and UOS should remain unaltered save for limited amendment to accommodate educational development needs and to reflect any updating as a result of previous permissions or appeal decisions. The draft Local Plan is not based on a robust, independent, transparent and up to date assessment of the needs for open space as required by paragraphs 73 and 74 of the NPPF. Nor has the draft Local Plan been based on a comprehensive review of GB, MOL and UOS boundaries to assess the suitability of such boundaries and the land contained within them, for continued designation.
2. The last open space assessment and GB/MOL/UOS review was undertaken in 1997, some 20 years ago. In the circumstances, the draft Local Plan does not have a proportionate evidence base upon which to consider alternative strategies for meeting development and infrastructure needs.

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3. There is no assessment or balancing exercise that is undertaken between GB, Open Space and residential and other development needs. It is disappointing to see that, despite this being an issue of concern for the UDP Inspector in 2004 when, equally, no such balancing assessment had been undertaken, the draft Local Plan adopts exactly the same approach, particularly as this was an approach that subsequently drew criticism from the Secretary of State.
 4. The draft Local Plan is unsound in not complying with the requirements of NPPF paragraphs 73 & 74, paragraphs 84 & 85 and paragraph 158 and subsequent paragraphs.
 5. (Q44) '*The 2014 Review*' was an in house assessment with no specified methodology, no consultation or transparency and no reasoned assessment in accordance with any published guidance or criteria. It is a wholly inadequate basis on which to rest the future spatial planning of the Borough.
 6. (Q47) Draft Policy 55 is simply a continuation of Policy G8 of the UDP. Apart from changes justified on an educational need basis, all other previously designated UOS land has simply been re-designated regardless of whether there has been any change in circumstances and/or the land continues to perform the two purposes of UOS designation. In my view, the fact that the Council has chosen to designate a number of sites as Local Green Space means that those UOS sites which have not been so designated, which include the Northern Land, Beckenham are clearly regarded as having very limited open space value. In such circumstances, consideration should have been given as to whether Policy 55 is actually necessary given that local protection for open space that is now afforded by Policy 56.

The Council's Response

7. The Council has responded in DLP 87_3 to the representation that there has been no robust, up to date assessment of the needs for open space and there is an unsound basis for Policies 49, 50 and 55. The Council's response is, frankly, surprising and bewildering.
8. The response states that *"the Council feel that they can ? all the development requirements without removing any further land from open space designation"*.
9. It is further stated that, *"it is acknowledged that it requires assessments of the needs for open space, sports and recreation facilities that an assessment of needs for open space, sports and recreation facilities is undertaken in support of Local Plan policies, and that such an assessment is not currently available for Bromley. However, even if there were surpluses of open space it would necessarily negate the need to retain an open space designation"*.
10. Firstly, the Council accepts that it does not have an up to date evidence base. Secondly, it accepts that the needs for open space require such an assessment. Thirdly, and bizarrely, the Council's stance is that even if there is no need for a particular open space it should still remain designated as such.
11. The Council's response then even more bizarrely states, *"Bromley has a number of open space sites which are either not in active use or not accessible to the public. It is considered that these would fall under PPS8, A3, 4 and 6 above and are consequently still of value as open spaces"*.
12. PPS8 is a policy statement that relates to Northern Ireland!

Latest Update

13. The Council appears to have realised rather belatedly that there is a substantial gap in its evidence base and has sought to plug this gap by putting a report to the Council's Development Control Committee on 16th November which purports to be an Open Space, Sport & Recreation Assessment.
14. The document is stated to merely be an audit of existing open space, sport and recreational facilities and to bring together factual information. The report does not contain any assessment or review of existing boundaries, suitability, current functioning or any other element that would normally be assessed as part of a proper open space assessment. Moreover, the report is explicitly stated to relate solely to publicly accessible open space above 0.4 hectares.

The Northern Land

15. Relating the Open Space Assessment to the Northern Land, Beckenham, the assessment would appear simply to confirm what is concluded in the Open Space Assessments undertaken in connection with the planning applications for development on this land.
16. The Northern Land is **NOT**;
 - In an area of open space deficiency
 - In an area deficient in parks and gardens
 - In an area deficient in natural open spaces
 - In an area deficient in small open spaces
 - Deficient in provision for children's play space
 - In an area deficient in outdoor sports facilities

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17. This all rather begs the question as to why the Northern Land at Beckenham continues to be designated as UOS.
 18. The Open Space Assessment also rather highlights the fact that the Council now needs to move on to the second stage of an assessment and that is to review GB, MOL and UOS boundaries in the light of this open space audit.
 19. In all the circumstances, the Plan is unsound because of the lack of a proportionate and sound evidence base. In particular, such evidence as there is also justifies removal of the Northern Land as UOS and its allocation as a housing site. The introduction of Policy 56 designating certain sites as local green space also calls into question whether draft Policy 55 should survive and the land currently designated as UOS but not LGS be reappraised and de-designated.

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LONDON BOROUGH OF BROMLEY **LOCAL PLAN EXAMINATION**

HEARING STATEMENT

15TH November 2017

ISSUE 11 – EMPLOYMENT POLICIES

This statement has been prepared on behalf of Lansdown Asset Management

THE ISSUE

Are the policies for employment in Bromley justified, consistent with national policy and will they be effective.

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1. (Q52 & Q53) The site currently comprises two vacant former office buildings located on the western side of Croydon Road, Beckenham. The site is in a highly sustainable and accessible location with access to shops and other facilities. There are buses that pass in front of the site along Croydon Road and the site is also within walking distance of Elmers End Station and Tram stop. There is an existing access road onto Croydon Road between the two buildings which leads to a sizeable communal parking area.
 2. To the west of the site is a Tesco Superstore and petrol station. To the east of the site is a predominantly residential area.
 3. Both buildings have been vacant for a number of years with little or no commercial interest having been expressed.

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4. This representation seeks an amendment to the draft Local Plan in recognition of both the site's former business use and its location adjacent to a residential area. The opportunity exists for the potential of the site to be maximised by retention of commercial use on the site whilst also providing residential accommodation above in a mixed use redevelopment scheme which would help to address the Borough's housing need.
 5. The objectives of the draft Local Plan for business, employment and the local economy are set out in paragraph 1.3.9 of the draft Local Plan. One of the objectives is to retain Locally Significant Industrial Sites and to adapt them successfully to the changing needs of modern industry and commerce.
 6. This objective feeds into the spatial strategy of the draft Local Plan which is set out in Section 1.4. At 1.4.13 the Council commits to maintaining employment opportunities and access to services and facilities across the Borough. It is stated that; *"The reuse of existing employment land and floor space for business use is prioritised with modern and more efficient buildings."*
 7. The spatial strategy at paragraph 1.4.15 also commits to meeting and exceeding the housing targets set out in Table 3.1 of the London Plan. It is stated in the draft Local Plan that; *"Housing should be provided in sustainable locations, close to existing facilities and reused brownfield sites."*
 8. Draft Policy 1 deals with housing supply and commits the Council to making provision to meet the London Plan target for the Borough in ten different ways. One of these components of supply is, *"(f) –mixed use development including housing in suitable locations"*.
 9. Draft Policy 82 deals with Locally Significant Industrial Sites (LSIS). It lists the following as uses which will be permitted; - Class B (1) (a) (b) and (c) Class B2 and Class B8. No. 38 Croydon Road is identified as part of the Elmers End LSIS.

10. Paragraph 6.1.17 of the draft Local Plan supports, *“refurbishments, redevelopment and intensification of sites that incorporate a flexible design in order to readily accommodate a range of Class B uses for the medium and long term”*.
11. However, the draft Local Plan is deficient in not recognising the opportunity for mixed redevelopment schemes in appropriate locations which could help address both the need for new housing and the provision of B1 floor space which is suited to modern needs. Such recognition should apply to sites which have good access, are well related to a mix of development and uses nearby and which are generally sustainable.
12. No. 38 Croydon Road is a site which is entirely suitable to address both of the business and housing needs of the Borough.
13. Draft Policy 1(f) acknowledges the contribution which mixed use developments in suitable locations can make to meeting housing needs. However, draft Policy 82 does not, as presently drafted, encourage such mixed use developments. Indeed, it is silent on the matter despite there being a commitment in the spatial strategy which states that, *“the reuse of existing employment land for business uses prioritised”*.
14. Accordingly, the draft Local Plan displays a degree of inconsistency and fails to address the opportunities that mixed use development can provide. This deficiency of the draft Local Plan can easily be addressed by a relatively minor addition to draft Policy 82 and the supporting paragraphs. Draft Policy 82 should be amplified to acknowledge that accessible sites, such as 38 Croydon Road, should be sites where the twin and consistent aims of draft Policy 1(f) and draft Policy 82 can be achieved.

15. Since the Regulation 19 representations were made to the Council, prior approval has now been granted in respect of both of the office buildings on the site. The prior approvals grant consent for 28 flats on the site and the owners intentions are that the residential change of use will be implemented as this provides a significantly enhanced land value.
16. However, a pre-app has recently been submitted to the Council for the redevelopment of the site to retain some commercial use on the ground floor but with a modern residential scheme above. Such a proposal would reconcile the twin objectives of safeguarding employment as well as providing much needed new housing.
17. However, the Council's initial stance regarding this site has been to reject any proposals that would involve a loss of employment space regardless of the fact that there are extant consents for residential use.
18. Allocation of the site as suitable for mixed use development would remove the policy basis for any such objection.

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