

## Hearing Statement – LB Bromley Local Plan

### Introduction

This Statement has been prepared by Daniel Watney in advance of the Hearing Sessions into the LB Bromley Local Plan.

It is worth noting at the outset that we have concerns about how the Examination can proceed in the context of the recently published housing figures issued by the Mayor's office. This is expected to inform revised housing targets for each London Borough within the new London Plan which is due to be issued for consultation in December 2017.

There is a substantial difference between the need identified for Bromley through the 2017 London SHMA (1,424 dpa) and the figure proposed to be adopted through this draft Local Plan (641 dpa). This increase is not unexpected given the results of the 2014 South-East London SHMA, which identified Bromley's need as 1,320 dpa. The Evidence Base for this Plan is considered to be flawed as Bromley have accounted for a housing need less than half of that identified through the most up-to-date assessments.

There is substantial work that LB Bromley need to undertake in order to address this discrepancy. However, this Statement has been prepared on the basis of this Plan in its draft form.

Between now and the beginning of the Examination Hearings, we are anticipating the publication of the draft London Plan. We will expect this to impact upon the content of these representations and the areas of discussion at the Hearing sessions and would reserve the right to comment on this document as appropriate.

### **Issue 4: Are the main areas for growth properly defined, do they positively promote the spatial vision and objectives for Bromley and are the expectations for growth justified and deliverable?**

#### **14) What is the rationale for the selection of the 3 economic growth areas of Biggin Hill, Cray Business Corridor and Bromley Town Centre, including significant housing growth in Bromley Town Centre?**

Bromley Town Centre is identified as a Metropolitan Town Centre and has excellent public transport levels with access to two National Rail stations and a network of strategic bus routes.

The town centre is also identified as an Opportunity Area within the London Plan for which the London Plan seeks to deliver at least 2,500 new homes and an employment capacity of 2,000.

It is clear from the recently published increased housing targets from City Hall that the outer London Boroughs will be expected to increase their housing delivery to ease the pressure on the inner London Boroughs that have taken the majority of housing growth in recent years. The focus will be for brownfield sites in accessible areas and around public transport nodes to contribute significantly towards these housing targets.

Given the extent of Green Belt land within LB Bromley in the south of the Borough, it is considered that Bromley Town Centre is the most appropriate location for significant housing growth and accordingly it must accommodate a substantial number of new homes within the Plan period. This requires the density on the most appropriate sites, such as land adjacent to Bromley North Station, to be maximised to their full potential in order to begin to achieve the targets that will be set through the new London Plan.

#### **15) Will the infrastructure required for these areas be delivered in a timely fashion to keep pace with development? How will it be funded to provide certainty and how will it be triggered?**

Necessary improvements to local infrastructure will only be properly funded through major redevelopment which will provide contributions to local projects through CIL and s106 contributions. There should therefore be a positive, proactive approach taken by Bromley to promoting strategic levels of growth which will provide the financial contributions required to fund the necessary infrastructure improvements.

## **Issue 5: Are the policies for housing growth and affordable housing justified, deliverable and consistent with national policy?**

### **16) Is the Council content that housing need has been assessed looking at London's needs as a whole?**

Bromley cannot be content with, or justify that the provision of a housing requirement of 641 dpa across the Borough is appropriate. The Council have simply used the prescribed figure set through the 2014 FALP for which they were aware at the time was considered to be insufficient.

It was recognised at the time of the FALP Examination that the proposed housing figures were insufficient to meet the housing needs of London. The Inspector concluded that whilst the figures would not deliver the necessary quantum of homes to meet London's OAN, the potential non-adoption of the FALP would result in the retention of the existing housing targets at that time which were even lower. In those unfortunate circumstances, the Inspector concluded that the FALP should be adopted as it stood but subject to an immediate review, with a clear intention of increasing the supply across all forms of housing delivery.

Bromley acknowledge in their 2017 'Explanatory Note - Housing Need and Supply' that the 2014 South-East London SHMA stated that the need within the Borough was 1,320 dwellings per annum. Notwithstanding the fact that the 2017 GLA SHMA has suggested this need has increased to 1,424, it is entirely illogical to use a figure which is less than 50% of the identified need (48.6% if using the 2014 South-East London SHMA figure and 45% if using the 2017 GLA SHMA figure).

The 2017 GLA SHMA which will feed into the revised London Plan issued at the beginning of December 2017 has resulted in an increased housing target for each Borough. In Bromley's case, this has resulted in a 122% increase in housing need, from the 641 dpa figure stated in this draft Local Plan, to 1,424 dpa. Whilst this appears to be a significant increase, this is in no way a surprise and Bromley should have been expecting this since the publication of the previous SHMA's at both a regional and London wide level.

LB Bromley have known since the 2014 South-East London SHMA and the Examination into the 2015 FALP that the housing need within their Borough is significantly higher than 641 dwellings per annum, but have not been proactive in either analysing this need themselves, or preparing their own evidence base to review that need.

As Officers point out in the response to the previous round of representations to the draft Local Plan (see response to DLP No. 65\_1 on Pages 32 and 33):

*"For clarification the London Plan is under review and the housing target for the Borough is likely to change over the next 18 months. As part of the review the capacity of the Borough will be taken into account systematically as opposed to "sharing out" the difference between the current London Plan targets (42,000 dpa) and overall need (49,000 dpa – 62,000 dpa) between all of the London Boroughs."*

Whilst there is a strong recognition through this comment that LB Bromley were aware that housing numbers were almost certainly to increase through the revised Evidence Base for the London Plan, there was no effort made in the emerging Local Plan to accommodate this increase.

It is clear from the recent Mayoral guidance that we should agree with LB Bromley's position detailed above in that not all Boroughs should equally split the difference between the increased housing targets, which is in fact 66,000 dpa rather than between 49,000 – 62,000 as suggested. It is evident from the recently issued increased housing targets that outer London Boroughs will have their housing targets increased, with certain inner London Boroughs having their targets decreased slightly.

It is entirely inappropriate for LB Bromley to have attempted to push through their new Local Plan with a housing target of 641 dpa given the wider context of the housing shortfall across London and the recognition amongst all parties that the housing need of both the Borough and the capital is vastly greater than reflected in this document. The signs of this increase were evident in the 2014 South-East London SHMA and the FALP Examination, however Bromley have persisted with this 641 figure used as an interim position in the FALP. It has been evident for quite some time future housing growth should be directed to the outer London Boroughs.

It is arguably impossible to proceed with the Examination in Public at this stage given that the entire evidence base around the figures which underpin this document is flawed, including identification of areas for growth, site specific allocations and the housing trajectory.

**17) What is the justification for the windfall allowance contained in the plan, given the London Strategic Housing Land Availability Assessment states that dependence on windfall capacity should be minimised?**

There is a huge overreliance from LB Bromley on the windfall allowance contained within the housing trajectory of the draft Plan. LB Bromley suggest within their housing trajectory that 125 dwellings per annum will be delivered on small / windfall sites.

Not only does the London SHLAA state that dependence on windfall capacity should be minimised, but in LB Bromley's representations to the FALP, they noted themselves that there is a 'finite' supply of small sites in specific locations within the Borough, accepting that gradual reductions in small site completions will reduce over time.

This was reinforced by the Inspector in the Dylon International appeal decision which confirmed that "*there is now more recent data available which demonstrates that the availability of such sites [small windfall sites] has reduced in the 3 years since the SHLAA was published and given the FALP Inspector's conclusions on the need to increase delivery, even though capacity might be sufficient, I consider that the windfall allowance suggested by the Council is unrealistic and should be reduced*".

The adopted and emerging Plan is restrictive in the sense of development within the Green Belt and also on employment sites, coupled with the Article 4 Direction restricting the change of use from B1 to C3 in Bromley Town Centre. This is reflected in the vast number of schemes that have been refused planning permission by LB Bromley within the last 12 months.

Therefore it is not easy to see where the windfall sites will come from, with Bromley acknowledging themselves that such sites will eventually run out.

To place almost 20% reliance therefore on windfall sites as part of the annual housing supply is incredibly unrealistic and cannot be considered a sound approach to delivering housing.

Identified site allocations should be maximised to deliver as much housing as appropriate to relieve the pressure on windfall sites which are unlikely to come forward.

**18) Will the Plan provide a 5-year housing land supply of deliverable sites with an appropriate buffer in accordance with paragraph 47 of the National Planning Policy Framework (NPPF)? How would any shortfall in delivery be addressed and how would a continuing supply be achieved over the Plan period, having regard to any review of the London Plan?**

Notwithstanding the fact that the annualised housing need should be significantly higher than the 641 dwellings per annum currently proposed, the draft Plan does not currently demonstrate a deliverable five year supply of housing land.

The overreliance on small windfall sites is addressed in Q17 above.

The inclusion of 200 units within the first five year period specifically from prior approval applications is considered to be too high. Bromley's November 2016 five year housing land supply position statement suggests that this figure was increased from the June 2015 position given the permitted development rights being made permanent in April 2016. However, this does not recognise the Article 4 Direction introduced by LB Bromley introduced across the Town Centre. This added restriction will significantly impact upon the scale of development contributed by prior approval applications and therefore expecting to deliver 200 homes across the first five years of the Plan period is considered to be unrealistic in addition to the B1 to C3 schemes already identified in the schedule of 9+ sites within the trajectory.

The Old Town Hall on Tweedy Road should not be included within the five year supply of housing sites, particularly as Bromley identify this five year period expires in two and a half years' time. The consent for the Town Hall will expire in November 2019 and a proposed application to the scheme to amend it in order to make it deliverable was withdrawn and conditions are yet to have been discharged.

There is currently a huge shortfall in Bromley's historic housing delivery of over 1,000 homes since 1996, however they have not applied the appropriate buffer of 20% as required through Paragraph 47 of the NPPF.

The Council have neither applied this buffer, nor have they suggested how this historic shortfall would be provided within this Plan period.

**19) Given the matrix in Table 3.2 of the London Plan, has the Council made reasonable assumptions about the housing densities that can be reasonably be achieved on development sites, especially when Outer London Boroughs are encouraged to increase densities?**

Reviewing the allocation at land adjacent to Bromley North Station alone, it is clear that the Council has not made reasonable assumptions about the densities that can be achieved.

In this specific example, the site measures 2.4 hectares and due to its location at Bromley North Station and next to the bus interchange, the property benefits from a PTAL rating of 6. Given its location within the Metropolitan Town Centre of Bromley, it should be considered a central location in the context of the London Plan density matrix.

On this basis, the suggested density should be up to 405 units per hectare, which would equate to 972 units across the Bromley North site. Whilst this upper density would assume a majority of smaller units, it is likely that this is appropriate given the location within the town centre and adjacent to the Station.

This figure represents an 85% increase on the current site allocation and does not align with the recent Mayoral guidance which is explicit in stating that higher densities should be focused around transport hubs in outer London Boroughs.

Whilst details have not been released at this stage about the density guidelines within the next London Plan, the draft of which will be issued in December 2017, it is expected that density guidelines will be increased to accommodate the level of growth anticipated for London, whilst the Mayor has also stated that development should be maximised around transport hubs in outer London Boroughs. Density should therefore be increased further in sustainable, accessible locations such as land adjacent to Bromley North Station.

**20) Are the sites identified for housing supply deliverable and developable in accordance with paragraph 47 of the NPPF?**

Notwithstanding our position on the housing need of the Borough, it is felt that the housing trajectory included within the Local Plan confirms that the Council cannot deliver a five year supply of housing using the 641 figure.

As detailed in response to Q17 in this Statement, Bromley are too reliant on the windfall allowance included within the Plan. Whilst this has reduced from the previous suggestion that 1/3 of its housing allowance should be delivered on windfall sites, this 20% allocation is too large given the wider restrictive planning and development context of the Borough.

Major site allocations are where development should be focused through the life of this Plan period, specifically in identified areas for strategic growth, principally Bromley Town Centre. Whilst there are a number of site allocations within Bromley Town Centre, the correct level of density needs to be applied in order to deliver the right quantum of growth. We have already identified the density calculations for land adjacent to Bromley North Station in particular in respect of Q19.

The primary concern in respect of the major site allocations is 'Site 10', known as 'West of Bromley High Street and land at Bromley South'. As per our original representations to the Local Plan, we question the deliverability of this site within any reasonable timeframe, as it contains a considerable number of residential and commercial freeholders as well as long leaseholders, with the retail units currently benefitting from high occupancy rates. Due to the site's frontage on the Primary Shopping Area, replacement of retail floorspace alongside residential accommodation would be required, therefore reducing the overall capacity of the site for residential uses. Therefore whilst this site is earmarked for redevelopment in the latter part of this Plan period, we question whether it will be able to come forward at all even within these timescales and the reliance on this site delivering almost half of the Opportunity Area allocation is entirely unrealistic.

The Plan should therefore focus on maximising the development potential of sites which are deliverable both in the first five years of the Plan and beyond. Land adjacent to Bromley North Station is capable of delivering at least 740 residential units within the first 10 years of the Plan period, with over 200 deliverable within the first 5 years for which an application at 6-10 Sherman Road will shortly be submitted.

These issues exist even before the 122% increase to housing numbers is applied which will require even further intensification of development on identified town centre sites as well as an assessment into additional sites which could be delivered to meet this vast shortfall.

**21) Is there sufficient flexibility within the allocations to accommodate unexpected delays whilst maintaining an adequate supply?**

There is very limited flexibility in certain allocations, whilst the plan does not account for the significant historic cumulative delivery within LB Bromley, which we have calculated a deficit of 1,063 units from 1996 to the publication of this draft Plan as highlighted in our original representations.

Proposed densities within specific site allocations need to be maximised to allow for flexibility across the Plan which will begin to help address the significant historic under-delivery and also concerns over the deliverability of alternative sites within the Plan.

Any allocation on these sites would be subject to detailed assessment through a full planning application which would determine whether that scale of development is appropriate. By increasing the scale of the allocations on the town centre sites, this does not necessarily mean that the upper scale would be achieved. Increasing the flexibility within certain allocations, without solely relying on these upper limits for the housing supply arguments, would be a much more pro-active approach to delivering major residential housing schemes within the town centre.

**22) How would the supply of housing sites be monitored and managed? Explain the implementation strategy for the delivery of housing.**

n/a – LB Bromley to present case about monitoring.

**23) What is the rationale for the affordable housing target being 35%. How does this respond to the identified need for affordable housing, the Viability Assessment, the London Plan and the aspirations of the Mayor of London?**

n/a – Bromley to confirm rationale.

**24) Has the Council considered increasing the total housing figures in order to help deliver the number of affordable homes required, in accordance with the PPG? What would be the implications of any such increase?**

Without repeating what has been previously stated within this Statement, the vast increase in housing need within LB Bromley would also increase in the number of affordable homes required in the District. It is therefore evident that this current Plan does not plan for sufficient levels of affordable homes as required.

**25) Does the Plan adequately address the needs for all types of housing and the needs of different groups in the community as set out in paragraph 159 of the NPPF? Should policy 1 make specific reference to student accommodation?**

The emerging policies relating to housing should align more closely with the emerging London Plan guidance and policy relating to Build to Rent and the importance of specifically designed rental accommodation in meeting the needs and demands of London's housing market.

Whilst LB Bromley may not feel they are suited to the Build to Rent market, the town centres such as Bromley and Orpington benefit from excellent transport links into central London and therefore sites which are located nearby these transport hubs would represent excellent opportunities to deliver accommodation built specifically for rent.

Emerging policy should therefore make reference to Build to Rent and recognise its importance in the context of London's housing needs and the Mayor's Viability SPG. Whilst there is guidance at a GLA level on how BtR

schemes differ from traditional housing schemes in terms of design considerations, the Bromley Local Plan should apply a local level of policy to BtR and recognise the distinct economics of such a scheme compared to applications for residential accommodation for sale.

**26) Is there suitable provision for Traveller accommodation having regard to the Planning Policy for Traveller Sites? Set out in detail the case for exceptional circumstances for creating insets within the Green Belt for Traveller sites.**

n/a

## **Suggested Changes**

- Increase the housing target in Policy 1 to 1,424 dpa to reflect the need identified through the 2017 London SHMA.
- This would necessitate updating the Evidence Base and the housing supply accordingly, whilst we have identified those areas of concern in respect of the identified supply within this Statement;
- Recognise in Policy 1 that build-to-rent accommodation is vital in meeting identified housing need;
- Update the draft allocations document for land adjacent to Bromley North Station as follows:

*“Redevelopment for mixed use including at least 740 residential units, 500sqm of office accommodation, space for community use, 230 sqm café / retail, transport interchange and parking.”*