

London Borough of Bromley Local Plan Examination – Matters Statement

Our ref 14473/05/SB/RC/HBE
Date November 2017
From Lichfields on behalf of Relta Limited and Dylon 2 Limited (Objections 134 & 135)

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

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

- 1.1 Bromley is in housing crisis. The Council has not assessed housing need in the context of London's needs as a whole and as such the plan has not been positively prepared with a strategy that seeks to meet objectively assessed needs (OAN) (NPPF paragraph 182).

What is Housing Need in Bromley?

- 1.2 The minimum housing target set in the adopted London Plan (2015) (totalling 42,389 dpa) is a capacity based figure which is not representative of need in London. The London Plan Examination Inspector was clear (at paragraph 58 of his decision) that *"Non adoption of the FALP would result in the retention of the existing housing targets in the London Plan (32,210 dpa) 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"*.
- 1.3 London's housing need as evidenced in the London SHMA (2013) equates to circa 49,000 dpa so the adopted London Plan is planning for a shortfall of circa 6,600 dpa. In Bromley, the need as evidenced in the London SHMA (2013) is more than double the capacity estimate of 641 dpa at 1,315 dpa.
- 1.4 The new London Plan borough targets were set out in a press release from the GLA on the 27th October 2017. This states a ten year capacity figure for Bromley of 1,424 dpa: 109dpa greater than the need identified in the previous London SHMA. Housing need in London is identified as 66,000 dpa, with the draft London Plan setting a target of 65,000 dpa. The draft London Plan figure for Bromley is capacity constrained and is significantly lower than the figure projected for Bromley through the Government's proposed standardised housing need methodology which equates to 2,564 dpa over the period 2016 to 2026.

Has Bromley complied with the adopted London Plan Policies ?

- 1.5 If London's housing needs as a whole are to be met, each Borough must play its part. Policy 3.3 (D) of the adopted London Plan clearly states that Boroughs should seek to achieve and exceed the relevant minimum borough annual average housing target and (Da) that Boroughs should draw on the housing benchmarks in developing their LDF housing targets, augmented where possible with extra housing capacity to **"close the gap"** between identified need and supply. The Council has not produced a Local Plan which complies with this policy as no effort has been

made to firstly, achieve and exceed the London Plan minimum benchmark (Draft Policy 1) or secondly, close the gap with housing need.

- 1.6 Policy 3.8 of the adopted London Plan goes on to state at paragraph B that in applying Policy 3.3 the Boroughs should identify the range of needs likely to arise in their area. The Council has produced a housing needs study for its Housing Market Area (HMA) in the SE London SHMA (2014) which identifies a need in Bromley of 1,317 dpa under the central scenario. As per the requirements of NPPF paragraph 47, Councils must *“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, as far as is consistent with the policies set out in this Framework.”* The Council is clearly failing to meet its own housing need and there is no evidence that these unmet needs will be accommodated elsewhere in the HMA: contrary to paragraph 47 of the NPPF.
- 1.7 Furthermore, the Mayor’s Housing SPD states(paragraph 1.2.3) *“In order to close the gap between need and capacity, outer London boroughs will have to make a more substantial contribution to meeting their projected housing growth and overall housing need.”*
- 1.8 In a recent appeal Statement of Case¹ the Council states (at paragraph 6.62) that the most up to date housing requirement figure for Bromley is 641 dpa on the basis that it takes into account constraints (through the London SHLAA 2013) and has been tested. However, the recently published new London SHLAA identifies a capacity based estimate for Bromley of 1,424 dpa: a significant uplift on 641 dpa. As such the Council cannot possibly argue that a housing requirement of 641 is the maximum figure they can accommodate (i.e. not doing any more to close the gap with need) because significant additional capacity on sites such as Dylon 2 has been found which clearly takes into account constraints.
- 1.9 Not only has the Council not complied with Policy 3.3, it resisted even 641 dpa as a target during the FALP examination claiming it was not sustainable over the Plan period reflecting policy to protect the environment (See Appendix 1). This emphasises the resistance of Bromley Council to any scale of housing development over multiple Local Plans.

Has Bromley tested reasonable alternatives?

- 1.10 The Council has assessed an alternative option in its Sustainability Appraisal (SA) (November 2016) for a ‘Higher growth strategy – with additional housing focussed at the economic growth areas’ but the Council’s preferred approach is delivering the London Plan target as a minimum.
- 1.11 Firstly, the Council has not tested a quantum of higher growth; as such, it cannot be understood what exactly this option is assessing. Higher growth could be 642 or 1,000+ dpa.
- 1.12 Secondly, the Council’s stance is that delivery of housing in excess of 641 dpa would require development in the Green Belt. The NPPF (para 14) allows needs not to be met if specific policies indicate development should be restricted. However, the Council has missed a significant step in arriving at this conclusion, notably not having undertaken a comprehensive borough-wide review of its Green Belt and MOL.
- 1.13 The Council contends that exceptional circumstances exist for the release of Green Belt land for Biggin Hill Airport to facilitate economic growth, on the basis there are no reasonable alternatives and the harm caused does not significantly and demonstrably outweigh the benefits. The Council has also reviewed its Green Belt and MOL boundaries to provide schools for its

¹ London Borough of Bromley Statement of Case for Potters Farm, Turpington Lane, Bromley (APP/G5180/W/16/3165767)

growing population. Yet, an equivalent exercise is missing for housing delivery. The Council has not weighed up the performance of Green Belt and MOL parcels against their purposes with the substantial need for housing, particularly affordable housing, in the Borough (and London more widely) and the delivery of sustainable patterns of development (NPPF paragraph 84).

- 1.14 Had that review been undertaken, sustainable, brownfield sites not contributing to Green Belt and MOL purposes, such as Dylon 2 in Lower Sydenham, would have been identified for release as housing allocations.

Summary

- 1.15 The Council's plan is not positively prepared as it does not comply with London Plan policies 3.3 and 3.8 which require a closing of the gap between need and supply. Having identified the housing needs of Bromley in the South East London SHMA the Council has failed to both fulfil the requirements of the NPPF paragraph 47 and to test reasonable alternatives which should include the release of Green Belt sites to deliver more housing.

Q.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?

- 1.16 In the five year housing land supply (5YHLS) calculation² windfalls (730 units) make up 20.6% of total supply (3,544 units). In the Local Plan trajectory (2015 to 2030) this increases significantly (3,652 units) to 34.3% of the trajectory (10,645 units).
- 1.17 The trajectory contains too much uncertainty about where housing delivery is coming from to be able to effectively respond to rapid change (NPPF paragraph 14), the trajectory is not flexible. The Council is also planning for 965 units from broad locations (a review of the housing trajectory is included at Appendix 2). However, some are not even locations, including 200 units from 'changing retail patterns'. Combining windfalls and broad locations, 43% of the Council's trajectory is unidentified. This trajectory has not been positively prepared and cannot be an effective method of meeting housing needs (NPPF paragraph 182).
- 1.18 We have a number of concerns about the calculation of the windfalls allowance in the 5YHLS calculation. A full critique is at Appendix 3.
- 1.19 Firstly, there is no evidence or sources of data to justify the 130 units uplift in windfalls to take account of additional funding and increased permitted development rights. This is above and beyond evidence on past rates of windfalls in Bromley and this uplift is unjustified.
- 1.20 Secondly, the inclusion of office to residential conversions in the windfalls calculation appears to double count with the allowance that the Council has made for B1(a) to C3 Prior Approval allowance of 200 units.
- 1.21 Furthermore, in the Councils lapse rate evidence³, there is a clear misrepresentation of the impact of windfall sites on past rates of delivery (Appendix 4⁴). Past housing completions in Bromley have been dominated by windfalls as a result of the Borough not allocating sufficient sites as illustrated in Appendix 4.

² London Borough of Bromley Five Year Housing Land Supply November 2016

³ LBB Background Paper Lapse Rates (July 2017)

⁴ The Background Paper Lapse Rates (July 2017) was released subsequent to the last round of consultation and we have not been able to provide a response on it to date.

- 1.22 LBB has also continually failed to net off C2 residential units (e.g. Isard House) whilst counting C2 accommodation on other sites (i.e. Blue Circle site).
- 1.23 We note LBB has produced a new 5YHLS position at November 2017 which is to be considered by its Development Control Committee on 16th November. If this is endorsed and submitted to the Examination, we would wish to have the opportunity to make comments on it.

Q.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?

Five Year Housing Land Supply

- 1.24 The Council cannot demonstrate a 5YHLS. A detailed review of the calculation is set out in [Appendix 3](#). A number of sites in the calculation cannot be deemed deliverable as per the definition at footnote 11 of the NPPF (and in line with the recent Court of Appeal judgment on deliverable sites⁵) and some assumptions made about future supply, including windfalls and lapse rates, are not evidenced. Removing all inputs from the 5YHLS calculation reduces supply by 461 units. This alone gives a 5YHLS position of [4.53 years].
- 1.25 Furthermore, we disagree with the use of the minimum housing benchmark from the London Plan to measure 5YHLS. As more than two years has now lapsed since the base date of the London Plan (1st April 2015) and the immediate full review of the London Plan to meet OAN is substantially underway, combined with the fact that the minimum housing benchmarks set in the London Plan fall hugely short of OAN, failing to reflect the thrust of the NPPF, the minimum housing benchmarks in the adopted London Plan must be considered out-of-date.
- 1.26 The Council has not complied with the requirements of London Plan Policy 3.3 and, as set out above, it is not possible to know what the housing requirement is. The Council has not tested reasonable alternatives to meet need and there is no evidence it will be met elsewhere in the HMA (NPPF paragraph 47), Utilising OAN for the 5YHLS calculation emphasises the scale of the housing problem the Council are creating by not complying with policy 3.3. The London SHMA OAN (2013) of 1,315 (1,317 in the South East London SHMA) means the 5YHLS for Bromley substantially decreases to just 2.21 years (Appendix 3). Using the CLG standardised methodology figure of 2,564 it would reduce even further to 1.13 years.

The new London Plan

- 1.27 There is no evidence that any shortfall in delivery will be able to be effectively managed through the adoption of the new London Plan because the Council already does not have a 5YHLS. To ensure flexibility in housing delivery the Council must allocate more sites for housing to ensure there is a significant pool of sites to come forward and respond to any shortfall in delivery and to respond to any changes from the London Plan review.
- 1.28 Although a new adopted London Plan would supersede the Bromley Local Plan's housing number, the Council's continued refusal to review the MOL could be expected to continue to resist development, even without a 5YHLS,. Without testing reasonable alternatives through the

⁵ St Modwen Developments Lts vs (1) SOS for DCLG (2) East Riding of Yorkshire Council (3) Save Our Ferriby Action Group [2017] EWCA Civ 1643

Local Plan there is no evidence to suggest such development is not justified, but the Council has a method of resisting it if a Local Plan that does not meet needs or test reasonable alternatives is adopted.

Q.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?

- 1.29 In identifying assumed yields on development sites the Council has had regard to table 3.2 of the London Plan (SRQ). It is clear the Council has not mechanically applied the SRQ and has taken some account of constraints in making density assumptions. However, on reviewing the sites without planning permission (13) in the Housing Trajectory (Appendix 10.1 Local Plan) there is seemingly a lack of consistency.
- 1.30 Bromley Town Centre is highly constrained by conservation areas and statutorily listed buildings, parking problems and the need for highway improvements. The Tweedy Road site B is a good example where a proposal for 70 flats was refused on appeal and a Development Brief limits development to 24 dwellings.
- 1.31 While it is understood that the SRQ will be dropped in the upcoming London Plan, given the current context, LBB should be considering more appropriate and consistent densities on a site specific basis that could be reasonably achieved, reflecting the need to significantly boost housing supply by identifying brownfield opportunities which are not constrained by the infrastructure and conservation issues and increasing densities on sustainable accessible sites close to train stations such as Lower Sydenham (Dylon 2 being a natural extension to the Dylon 1 development).

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

- 1.32 **No.**
- 1.33 A number of the sites identified in the housing trajectory (Appendix 10.1) do not fulfil the criteria of a deliverable and/or developable site (in-line with the recent Court of Appeal judgment) as expressed in footnotes 11 and 12 of the NPPF. Our Housing Site Review Evidence (Appendix 2) sets out each of the sites not considered appropriate for inclusion in the trajectory alongside commentary as to why. The impact on the housing trajectory is a reduction in supply of **1,979** from sites of 9+ units (5,748 down to 3,769).
- 1.34 In particular, sites ‘West of Bromley High Street and Bromley South’ and ‘Land Adjacent to Bromley North Station⁶’ are not considered developable as allocated and will not yield the quantum of development envisaged (see Turner Morum Report annexed to Appendix 2). Other sites, including ‘Small Halls, Orpington’, are also not considered to be deliverable.
- 1.35 In addition, the Council have identified four Broad Locations (“BL”) totalling 965 units including ‘Changing Retail Patterns’ (200 units) and ‘Public Land Reorganisation’ (300 units). The NPPF paragraph 157 states that it is crucial Local Plans indicate broad locations for strategic development on a key diagram. The Council’s BLs are not specific locations and cannot be identified geographically. Furthermore, it is not clear if the ‘Bromley Town Centre’ (250

⁶ The High Court quashed the GLA’s designation of Bromley Town Centre as a Housing Zone (Appendix 5)

units) results in double counting of allocated supply. On this basis, we consider all BLs should be removed from the trajectory and accordingly deliverable sites, such as Dylon 2 must be allocated.

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

1.36 **No.**

1.37 The NPPF requires Local Plans to have flexibility to respond to rapid change (paragraph 14). The Council’s trajectory projects delivery of 10,645 homes. However, only 6,513 units identified over the plan period come from allocations, sites with permission, or completions.

1.38 The Council’s trajectory relies so heavily on windfall sites that there is no flexibility to draw other sites into the trajectory to meet any shortfalls. Our comments on the overreliance on windfalls and inappropriate windfalls uplifts are set in response to Q17.

1.39 The Local Plan is not positively prepared and nor is it an effective plan to meet even the Council’s assumed quantity of housing need.

Q.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?

1.40 Affordable housing need (AHN) in Bromley is identified in the South East London SHMA (2014) as 1,404 dpa. The Local Plan is only planning for 641 dpa, if 35% were delivered as affordable this would amount to delivery of just 224 dpa: 16% of annual AHN. Even then this is greater than the average annual affordable housing delivery in the Borough for the last 8 years of 200 dpa, or more recently of just 29 net over the last 3 years (5 dpa over last 4 years).

Table 1 Annual Affordable Housing Completions in Bromley 2006/07 to 2013/14

Monitoring Year	Total Affordable Housing Completions (LBB Monitoring Reports)	Total Net Conventional Affordable Completions (London Plan AMR 13/12/11)
2006/07	226	
2007/08	267	
2008/09	169	
2009/10	224	
2010/11	224	
2011/12	213	214
2012/13	161	-68
2013/14	117	140
2014/15	~	-62
2015/16	~	10
Average	200	5 Year: 47 / 4 Year: 5 / 3 Year: 29

Source: LBB Annual Monitoring Reports

1.41 On 27/10/2017 the GLA issued a press release stating “The new figures of housing need, calculated by City Hall through their Strategic Housing Market Assessment, also suggest that

65 per cent of these new homes would need to be affordable if they are to meet Londoners' needs." Albeit, the new London Plan is seeking 50% affordable housing delivery. Delivery, if achieved, at 35% is some way below this aspiration.

Q.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?

1.42 **No.**

1.43 The Council has not assessed housing need in the context of London's needs and has adopted the minimum benchmark figure for plan making purposes.

1.44 The scale of housing completions required to deliver 1,404 affordable homes is substantial. Draft Policy 2 in the Local Plan states affordable housing will be sought on all housing developments capable of providing 11 residential units at 35% provision. Assuming that 1,404 affordable of homes are met as 35% of total housing delivery, 4,011 dpa would be needed to meet AHNs. However, the reality is that far more would need to be provided given vacant building credits, sites under 10 units not generating an affordable housing requirement and sites which are not viable being allowed a discount on affordable housing.

1.45 It is clear the scale of AHN in Bromley has had no bearing on the planned level of housing. Although delivery of 4,011 dpa would be unprecedented , there is no evidence that the Council has considered increasing housing targets even partially to help meet its acute AHN.

1.46 The scale of AHN in the Borough is also an important factor in testing reasonable alternatives and weighing the outcomes in the planning balance (as set out in the response to question 16). The Council must test all options for the delivery of housing in the Borough in the context of such overwhelming housing needs. This includes reviewing brownfield Green Belt and MOL sites such as Dylon 2 for allocation.

Total Word Count – 2,995

Issue 5: Hearing Statement Appendix 1

LBB Representations to the FALP

Dylon 2 Limited and Relta Limited (Objection 134 & 135)

Sep 2014

LICHFIELDS

DRAFT FURTHER ALTERATIONS TO THE LONDON PLAN

EXAMINATION IN PUBLIC

London Borough of Bromley

Participant number: 18

Session 2(a)

Housing Supply (Especially Item 2(d)(i))

(2) d. The FALP at Table 3.1 sets minimum housing targets for Boroughs based on capacity not objectively assessed need.

- i. Is the assessment of capacity (the Strategic Housing Land Availability Study) robust?*
- ii. Does the resulting distribution of new housing across London direct housing to where it is needed and accord with the objective of achieving sustainable development?*

2nd September 2014

Summary

1. Bromley Council's representation is that the target figure of 6,413 for Bromley Borough in Table 3.1 of the Further Alterations to the London Plan (FA/CD/01 FALP 2014, page 91) is an unsustainable target over the Plan period and should be amended to 4,700.
2. It is considered essential that the target accurately reflects a reasonable estimate of development capacity and takes into account all existing and future constraints including Green Belt, Metropolitan Open Land, Conservation Areas, other open space local policies, residential character and garden land, consistent with Section 6 of the NPPF and the remainder of Chapter 3 of the FALP.
3. If the target is set too high, sites in the Green Belt and in Metropolitan Open Land are put at risk, in addition to local character. Bromley Council's representation is that the housing figure of 6413 provided in the London-wide Strategic Housing Land Availability Assessment (FA/KD/10 SHLAA 2013, Table 3.16 page 78) and Table 3.1 in the Further Alterations to the London Plan, is too high due to the SHLAA 2013 figure for small sites (FA/KD/10 SHLAA 2013 Table 3.16 page 78) of 3521 for Bromley Borough.
4. Conversely, Bromley Council's representation is that the SHLAA 2013 assessment of the large site capacity in Bromley Borough of 2892 is reasonable. (FA/KD/10 SHLAA 2013. Table 3.16 page 78)
5. The Council is concerned that a shortfall in the delivery of small sites in Bromley Borough would need to be made up from large sites, beyond their capacity as assessed in the SHLAA 2013. Therefore, the concerns raised in Bromley Council's representation should be addressed prior to the publication of the FALP, to avoid an unsustainable and unsound approach to housing supply.

6. Bromley Council's representation is in summary that the FALP (FA/CD/10) Table 3.1. figure for Bromley Borough should be 4,700, made up of 2892 large site capacity and 1808 small site capacity, that is without an increase in the large site capacity.
7. Bromley Council also has concerns regarding the impact significant housing growth will have on local services and infrastructure. Importance is placed upon the need for the FALP to ensure services and infrastructure is provided in advance or in tandem with housing growth.
8. This representation relates specifically to the target figure in Table 3.1 of FALP. The Inspector is respectfully requested to also take account of the Council's earlier written responses of April 2014 which refer to other Housing and other policy areas.

Background

9. The annual average housing provision monitoring targets in the FALP and the SHLAA 2013 is made up from two elements: an annual large sites allowance and an annual small sites allowance. The large sites allowance includes sites in the Borough, over 0.25 hectares, identified in the SHLAA 2013 where housing is expected to come forward in the period 2015 to 2025. The Small Sites allowance includes sites of up to 0.25 hectares. A summary of the results from the SHLAA 2013 (FA/KD/10, P109 Appendix 1) are as follows:

Large sites allowance:	2892	
Small Sites allowance:	3521	
Total ten year target 2015-2025:	6413	
Annual average	641	p.a.

10. The Council's representation is set out in more detail below.

11. Small sites

12. The Small Sites ten year target for Bromley Borough has increased from 1,948, that is 195 units per annum, (2009 SHLAA p.77-78, attached as Appendix One of this statement) to 352 units per annum (FA/KD/10 p109 2013 SHLAA) representing an 80% increase on the previous small sites target.
13. The SHLAA 2013 figure of 352 units per annum is derived by taking an average of small site (<0.25 ha in size) completions (new build, conversions and changes of use) 2004/05 – 2011/12 after removing 90% of new build completions built on garden land. The data is obtained from the London Development Database (LDD) used by all London Boroughs to input data relating to planning approvals.
14. There is concern that in Bromley Borough this scale of increase is not sustainable over the Plan period. This reflects the importance in policy terms of protecting the environment, both built and natural, the extent of Conservation Areas, Areas of Special Residential Character and the suburban and rural nature of large areas of the Borough.

15. The SHLAA 2013 (FA/KD/10 page 38-39 and pages 72-73) sets out how the small site data was calculated.
16. The SHLAA (2013) approach to Small Sites has these main elements:-
 - i. It is based on the 8 year period 2004/5 to 2011/12; (SHLAA 2013 para 3.59);
 - ii. The future yield from Small sites is based on extrapolating the historic trends from 2004/5 to 2011/12 forwards; (SHLAA 2013 para 2.69)
 - iii. The period 2004/5 to 2011/12 provides a robust approach as it covers a 'full market cycle' (SHLAA 2013 para 2.69).
 - iv. The average number of dwellings completed on Small Sites on Small Sites in 2004/5 to 2011/12 is identified Borough by Borough, then adjusted for Garden Land, (that is for example 352 for Bromley Borough). It is then multiplied by 10 to produce a ten year total, (for example 3521 for Bromley Borough); (2013 SHLAA Appendix 7 p115).
 - v. The ten year total is projected forwards as a constant number until the end of 2025 (for example 3521 for Bromley Borough; (SHLAA Appendix 1 p109).
17. Whilst several of these steps, in particular (i) to (iv), are generally accepted, step (v) is not and the overall process does not adequately reflect the local circumstances of Bromley Borough for the reasons outlined below.
18. The 'constant number' approach
19. In the SHLAA 2013, the average annual number of Small Site completions during the 8 years from 2004/5 to 2011/12 are taken forward as a constant number all the way through to 2025. There should be more account taken of the local trends and circumstances.
20. The Council's proposed modifications follow. In Bromley Borough, there is an overall downward trend in Small Sites completions when the second half of the 2004/5 to 2011/12 period is compared with the first half of the same period. It is therefore proposed that the rate of change that takes place in Bromley Borough between the first and second half of the period 2004/5 to 2011/12 be applied to the future years. The proposed approach is shown at Appendix Two of this statement, both in numerical and graphical format. The result of this approach, which is more of a reflection of local Bromley Borough circumstances, is to project a total of 1891 dwellings from Small Sites in the period 2015-2025. To reflect the accepted principle of garden land reduction, this should be adjusted from 3521 in the SHLAA 2013 p109 (FA/KD/10) to 1800 (1808 to produce a rounded overall target of 4,700).
21. It should be added that Bromley Council did clearly express its objection to the Small Sites result in the 2013 SHLAA in writing to the GLA prior to its publication (Appendix Three of this statement).

22. It is further suggested that the Small Sites total for 2015-2025 should reflect the relevant Planning Policies and the spatial patterns of Small Sites completions as applicable to the locality, as set out below, and that this adds weight to the Council's proposed modification to the Small Sites capacity estimate.
23. Planning Policies in Bromley Borough
24. A substantial part of Bromley Borough is subject to restrictive planning policies of a type have a high degree of permanence:-
- Green Belt
 - Metropolitan Open Land
 - Urban Open Space
 - Conservation Areas
 - Areas of Special Residential Character.
25. A broad impression of the substantial areas of Green Belt, Metropolitan Open Land and Conservation Areas can be gained from the Appendix Four (a) of this Statement maps of London's Strategic Open Space network and Conservation Areas in London, whilst at Appendix Four (b) of this Statement is a list of the 60 Conservation Areas in Bromley Borough.
26. The number of small sites opportunities is a finite resource and in Bromley this is constrained by these restrictive designations. The Council's proposed modification will better reflect the gradually reducing availability of Small Sites.
27. Clustering of Small Sites Completions (2004/5 – 2011/12)
28. The map at Appendix Five of this statement shows the general distribution of the Small Site completions around the Bromley Borough. Many of the Small Sites are concentrated in 'clusters' in the Borough and these are the locations where the character of the area lends itself to Small Sites type of development, through conversions, changes of use or small new sites. A more detailed analysis of Small Sites completions showed that around half of them were on streets with two or more sites, again indicating that there are geographical concentrations.
29. There is however a finite supply of suitable Small Sites in specific locations. Bromley Council proposes an approach that accepts gradual reductions in the rate of completions on Small Sites as the best sites become used up.

30. Infrastructure

31. The SHLAA (2013) proposed capacity from Small Sites exacerbates the pressure on local infrastructure as the scope for either s106 or Community Infrastructure Levy (CIL) contributions on Small Sites is limited by, for example, the ability to define Small Sites as 'self-build' plots. The self-build plots will not be required to contribute to CIL.

32. Conclusion

33. In conclusion, Bromley Council's concern is that the SHLAA 2013 Small Sites Capacity estimate for Bromley Borough is too high. This should be adjusted from 3521 to 1808. The main reasons for such an adjustment are:- to more closely reflect the actual trend of Small Site completions between 2004 and 2011 which is a gradual downward trend in Bromley Borough; to protect areas subject to policies such as Green Belt, open space and Conservation Area designations; and to reflect the finite supply of suitable Small Sites.
34. If left at the SHLAA 2013 Small Site capacity estimate of 3521, the Council's concern is that the shortfall will need to be made up from large sites, beyond the large site capacity estimate in the SHLAA 2013. It will be to the detriment of areas subject to restrictive designations such as Green Belt if the Table 3.1 FALP (FA/CD/01 p91) total remains at 641 per annum.
35. The Council's proposed modification to FALP Table 3.1 (FA/CD/01 p91) is 470 per annum for Bromley Borough. It would be necessary to make other modifications to the FALP as a result, including a reduction of 1713 in the FALP Table 3.1 London total of 423,887 and a reduction of 171 in the London annual monitoring target of from 42,389 to 42,218. To put that in context, it is a reduction of 00.40% in the London target which leaves the London annual monitoring target above the FALP Policy 3.3 requirement of 42,000 per year.

Appendix One

- Extract from London SHLAA (2009) page 77-78

Appendix Two

Small Sites:

- Completions data for 2004 to 2011
- GLA projection for 2015 to 2025 (SHLAA 2013)
- Bromley Council projection for 2015 to 2025

Appendix Three

- Correspondence on the SHLAA (2013)

Appendix Four

- (a) Planning Policy Constraints in Bromley Borough (e.g. Green Belt, Conservation Areas)
- (b) List of 60 Conservation Areas in Bromley Borough

Appendix Five

- Mapped overall distributions of Small Site Completions in Bromley Borough 2004/5 to 2011/12

Appendix Two: The Small Site Amendment

Methodology

AP 2.1 The original small site capacity estimate has been amended to reflect a longer range of small site completions from 2000-2007. The initial approach, using data from 2004-2007, was based on the most up to date information contained in the London Development Database (LDD) which only runs from 2004/05. The use of data earlier than 2004/05 has to be sourced from the old London Development Monitoring System (LDMS). Unfortunately the LDMS monitored sites using a site threshold of more than 10 units rather than area. In the absence of comprehensive completions information on sites <0.25ha for 2000-2003, it was necessary to use approvals data for which more information is available. The average completions on sites <0.25ha for 2000-2003 was calculated using the average number of units on sites <0.25ha for completions from 2004-2007 and applying this to the 2000-2003 data, and assuming a 47% approval to completion rate for the 2000-2003 data (based on past trends). This data was combined with the pre-garden land small sites assumption for 2004-2007 to give an annual capacity from small sites of 8,431 dwellings (84,311 from 2011-2021). To account for the garden land adjustment, 1,074 units per year were removed from the figure, rolling the 90% of 2004-07 completions on garden land back to 2000. The annual assumed capacity from small sites was reduced to 73,572 from 2011-2021 or expressed annually, to 7,358. This approach is considered to represent most robust available method for estimating housing capacity from small sites prior to 2004.

AP 2.2 Before this reduction, the 2004-2007 data assumed an annual capacity from small sites of 11,056 or 110,558 over 10 years (including contribution from garden land). This was adjusted to 9,982 or 99,818 over 10 years, after removing an annual garden land figure of 1,074.

AP 2.3 Table AP2.1 below outlines the impact of the reduction on individual boroughs small sites capacities, comparing the use of 2000-2007 data and the originally agreed 2004-2007 data. Table AP2.2 shows the impact of the small site reduction on the overall London housing targets by borough.

Extract from London SHLAA 2009

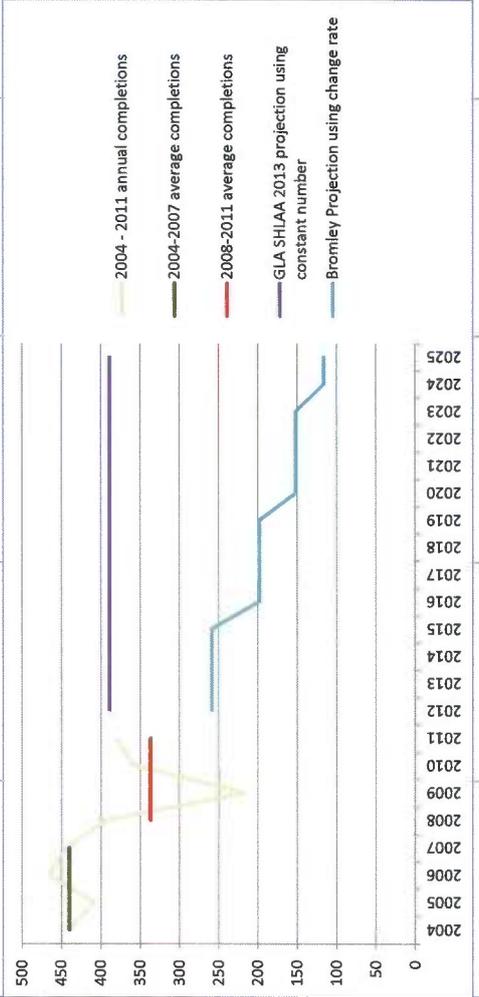
The London Strategic Housing Land Availability Assessment
and Housing Capacity Study 2009

Greater London Authority

Table AP2.1 Small sites capacity 2011-2021 (using 2000-2007 data)

BOROUGH	Small sites total 2011-2021 (using 2000-2007 data), post garden land adjustment	Small sites total 2011-2021 (using 2004-2007 data), post garden land adjustment
Barking & Dagenham	608	884
Barnet	1,957	2,714
Bexley	520	812
Brent	1,387	1,904
Bromley	1,948 *	3,130
Camden	2,198	3,360
City of London	402	350
Croydon	3,256	5,110
Ealing	1,691	2,170
Enfield	1,638	2,340
Greenwich	1,322	1,598
Hackney	5,364	6,140
Hammersmith & Fulham	975	1,330
Haringey	2,611	3,613
Harrow	1,728	2,569
Havering	1,272	2,025
Hillingdon	702	1,200
Hounslow	878	1,234
Islington	5,442	6,970
Kensington & Chelsea	1,113	1,260
Kingston	1,368	1,705
Lambeth	5,173	7,225
Lewisham	3,174	4,520
Merton	1,560	2,273
Newham	1,919	2,653
Redbridge	1,227	1,541
Richmond	961	1,330
Southwark	6,576	8,625
Sutton	749	1,355
Tower Hamlets	4,559	5,663
Waltham Forest	2,086	3,240
Wandsworth	4,118	4,880
Westminster	3,089	4,100
Total	73,572 *	99,819

YEAR	COMPLETIONS		COMPLETIONS		COMPLETIONS		PROJECTION		PROJECTION	
	Actuals	2004-2007 average	2008-2011 average	GLA SHLAA 2013 projection	Bromley Projection using change rate	2004 - 2011 annual completions	2004-2007 average completions	2008-2011 average completions	GLA SHLAA 2013 projection using constant number	Bromley Projection using change rate
2004	442	440								
2005	409	440								
2006	467	440								
2007	444	440								
2008	393		337							
2009	217		337							
2010	359		337							
2011	381		337							
2012										
2013										389
2014										389
2015										389
2016										389
2017										389
2018										389
2019										389
2020										389
2021										389
2022										389
2023										389
2024										389
2025										389
2012-2025 Totals										5446
2015-2025 Totals										4279
Average 2004-2011										389
Average 2004 - 2007		440.5								
Average 2008-2011		337.5								
Average change rate		0.766174801								



From: Manuel, Mary
Sent: 13 November 2013 13:26
To: 'Jennifer Peters'
Cc: Kehoe, Jim; John Lett
Subject: RE: SHLAA

Dear Jennifer,

Thank you for coming back to me and acknowledging that Bromley does not accept the small sites figure, and that the methodology for these sites may have included some sites which should have been excluded as garden land. We continue our position that the substantially higher figure for small sites identified in the emerging SHLAA by the GLA for Bromley is not sustainable and therefore cannot accept this as part of any new figure for Bromley Borough.

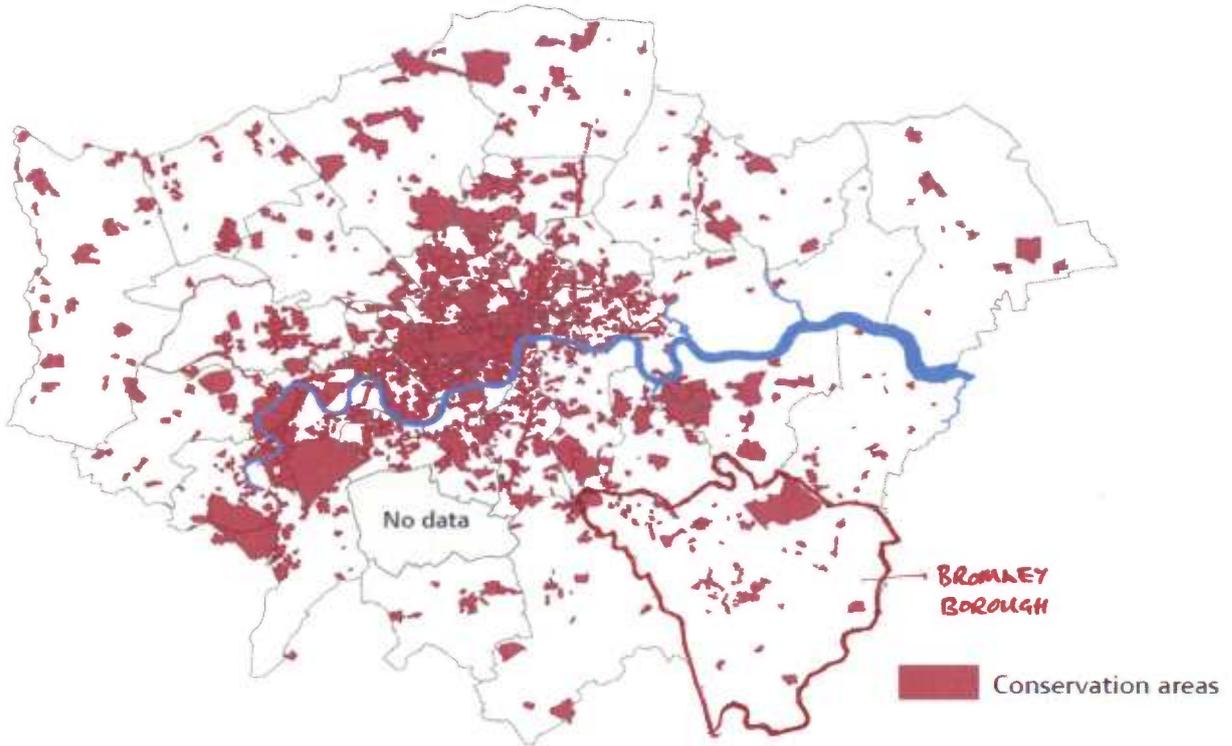
It would be helpful to know the process these figures go through at the GLA and who within the organisation gives the final agreement to the SHLAA, and similarly, the process for these to be included (or amended and then included) within the draft alterations to the London Plan expected in January. As you will expect, the Council does not agree with the figures it considers unsustainable and would welcome further discussion to seek to reach an agreed position prior to the SHLAA and the draft alterations being published.

Kind regards,

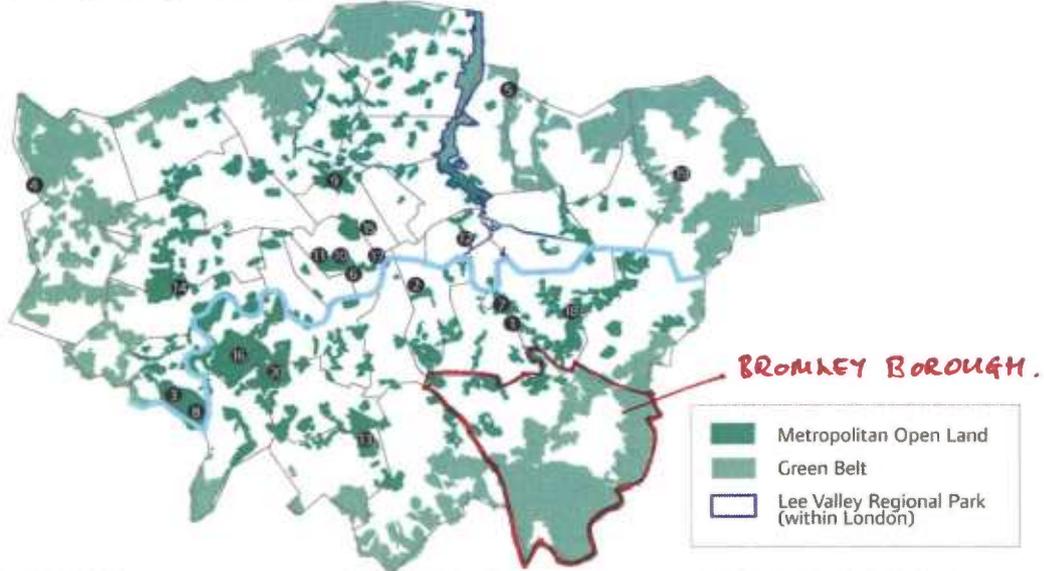
Mary

Mary Manuel
Head of Planning Strategy and Projects
London Borough of Bromley
Civic Centre
Stockwell Close
Bromley
BR1 3UH

Conservation areas in London



London's strategic open space network



- 1 Blackheath
- 2 Burgess Park
- 3 Bushy Park (royal park)
- 4 Colne Valley Regional Park
- 5 Epping Forest
- 6 Green Park (royal park)
- 7 Greenwich Park (royal park)

- 8 Hampton Court Park
- 9 Hampstead Heath
- 10 Hyde Park (royal park)
- 11 Kensington Gardens (royal park)
- 12 Mile End Park
- 13 Mitcham Common
- 14 Osterley Park

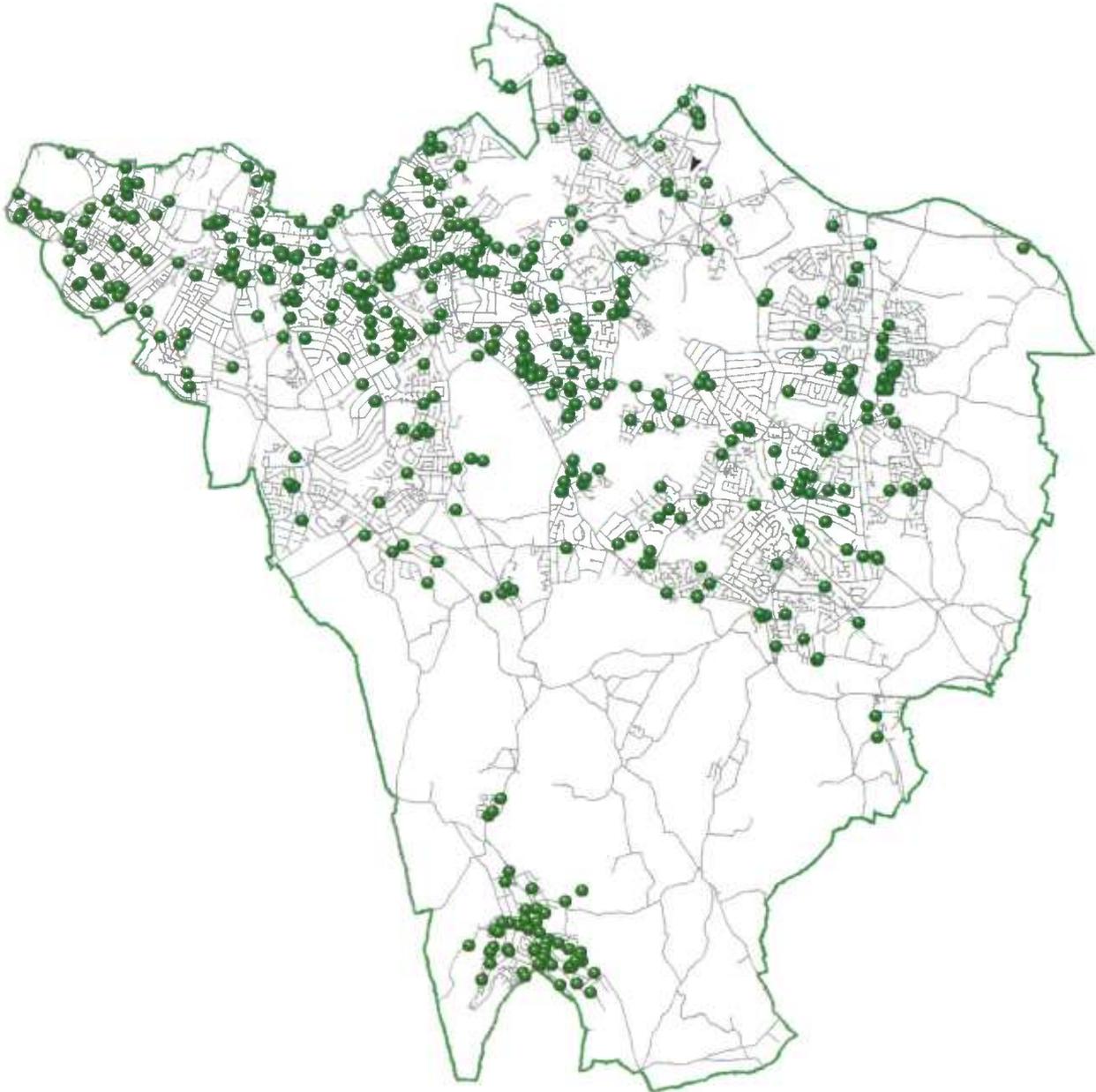
- 15 Regents Park (royal park)
- 16 Richmond Park (royal park)
- 17 St. James's Park (royal park)
- 18 SE London Green Chain
- 19 Thames Chase Community Forest
- 20 Wimbledon Common

Conservation Areas in Bromley Borough

Appendix 4 (b)

NAME	DESCRIPT	AREA_HA
Alexandra Cottages (Parish Lane), Penge	Alexandra Cottages (Parish Lane), Penge - 1860s development by The Metropolitan Association for Improving the Dwellings of the Industrious Classes (designated 1984).	3.37
Garden Road, Bromley	spacious Arts and Crafts suburban development (designated 1989).	3.01
Aldersmead Road, Beckenham	Victorian and Edwardian detached and semi-detached houses (designated 1989).	1.53
Barmmead Road, Beckenham	Cator Estate development of Victorian detached and semi-detached villas (designated 1985, Article 4 Direction confirmed 1993).	6.44
Sundridge Avenue, Bromley	Arts and Crafts suburban development (designated 1988).	1.96
Bickley Park	primarily Arts and Crafts houses, including a number designed by leading architects of the movement (designated 1986, extended 1988).	22.38
Chancery Lane, Beckenham	small scale mainly 19th century development (designated 1973; Article 4 Direction confirmed 1984).	2.21
Shortlands	large Victorian detached houses set amongst mature trees (designated 1989).	10.32
Park Langley, Beckenham	Edwardian "garden suburb" development and later low density housing in a mature landscape (designated 1989).	32.32
Durham Avenue, Bromley	high quality suburban development dating from the 1880s to the present day (designated 1989).	4.84
Chislehurst Road, Petts Wood	inter-war picturesque houses in vernacular style (designated 1989).	11.56
Bromley Common	group of listed and locally listed Georgian and Victorian houses (designated 1987).	1.95
The Broadoaks Estate, Bromley	mainly 1930s neo-Tudor houses with spacious gardens (designated 1989).	6.18
The Chenies, Petts Wood	high quality 1930s suburban development (designated 1982).	3.26
Keston Park, Farnborough	mainly inter-war detached houses on large plots with a mature landscape (designated 1989).	48.61
Nash - rural hamlet	rural hamlet (designated 1989).	1.52
Biggin Hill RAF Station	Historic Battle of Britain airfield, core of operational and residential buildings (designated 1985).	8.95
Cudham Village	historic village centre (designated 1985).	29.62
Chelsfield	rural village (designated 1972).	43.03
Downe	rural village (designated 1977).	6.73
Farnborough Village	village centre (designated 1979).	3.36
Keston Village	a small homogeneous Victorian development (designated 1977).	12.53
Hayes Village	village centre (designated 1982, extended 1989 and extended 1993).	5.43
Broomhill, Orpington	small group of largely Victorian houses, set around a common (designated 1989).	1.52
The Priory, Orpington	historic heart of Orpington, centred around ancient priory, extended to include oldest section of the High Street (designated 1985, extended 1988).	6.60
Bromley Town Centre	oldest part of town centre, including Market Square and Victorian shops (designated 1985 to 1987 and 1991).	39.02
St. Paul's Cray	village centre and river meadows (designated 1973).	11.93
Chislehurst	the village and surrounding commons: 18th century village, affluent Victorian/Edwardian suburb, later low density housing in mature landscapes, common land and Green Belt (designated 1971, the remainder in 1982).	596.36
Mavelstone Road, Bickley	Arts and Crafts houses, including a number by leading architects (designated 1987).	3.31
Southend Road, Beckenham	early Cator Estate development of large Italianate semi-detached villas dating from circa 1850, and fine 1950s block of flats (designated 1990).	2.28
St. George's, Beckenham	St. George's Church and surrounding Victorian development (designated 1977).	5.12
Kelsey Square, Beckenham	a small homogeneous Victorian development (designated 1977).	0.36
Manor Way, Beckenham	Arts and Crafts houses, including a number by leading architects (designated 1987, extended 1989).	15.19
Downs Hill, Beckenham	cohesive inter-war development mainly in neo-Tudor and neo-Vernacular styles (designated 1989).	11.44
Cator Road, Sydenham	Victorian suburban development of large detached houses (designated 1984).	7.00
Penge High Street	two early Victorian almshouse groups, Victorian housing and shops (designated 1977).	5.71
Crystal Palace Park	substantial Victorian houses surrounding historic park (designated 1989).	82.15
Belvedere Road, Anerley	primarily large Victorian villas built after the erection of the Crystal Palace (designated 1973).	12.55
Farnborough Park	mainly inter-war detached houses on large plots with a mature landscape (designated 1989).	37.40
St. Mary Cray	village centre and Reynolds Cross (designated 1979).	13.91
Copers Cope	Mixture of detached and semi-detached Victorian houses (d1998)	2.07
Beckenham Place Park		1.46
Station Square, Petts Wood	Parades of neo-Tudor shops around the Daylight Inn (d 1995)	2.47
Bromley, Hayes & Keston Commons -	Group of ecclesiastical buildings around Holy Trinity Churchwith Oakley Farm opposite.	5.47
Bromley, Hayes & Keston Commons -	Assorted residential buildings on Barnet Wood Road, on the edge of Barnet Wood. (d 2000)	2.30
Bromley, Hayes & Keston Commons -	Victorian Rectory, now divided into three properties.	0.61
Bromley, Hayes & Keston Commons -	Row of early-mid 19thC houses and commercial properties.	1.63
Bromley, Hayes & Keston Commons -	Row of early-mid 19thC houses and commercial properties.	0.48
Bromley, Hayes & Keston Commons -	Group comprising Keston Mark Public house and some attractive semi-detached Victorian houses.(d. 2000)	0.56
Bromley, Hayes & Keston Commons -	Towerfields House, altered Victorian house of historic importance. (d 2000)	0.12
Bromley, Hayes & Keston Commons -	Large red brick house of in landscaped setting. (d 2000)	1.01
Bromley, Hayes & Keston Commons -	Attractive group of buildings at junction of Fishponds Road. (d 2000)	2.43
Bromley, Hayes & Keston Commons -	Two large former estate houses and their associated structures.(d 2000)	5.01
Bromley, Hayes & Keston Commons -	Group of houses 19thC houses on Hayes Common.(d 2000)	0.73
Bromley, Hayes & Keston Commons -	Baston School and neighbouring assorted 19thC houses in a part woodland setting.(d 2000)	8.80
Bromley, Hayes & Keston Commons -	Historic mansion, Hayes Court, and nearby buildings	3.00
Bromley, Hayes & Keston Commons -	Historic House, Hayes Grove, and nearby buildings	4.01
Bromley, Hayes & Keston Commons -	Three vernacular cottages in brick and flint	0.17
Bromley, Hayes & Keston Commons -	The Warren, a large 19thC house, its grounds and the lodge to Coney Hall School	9.53
Total Area		1174.82

Mapped overall distributions of Small Site Completions in Bromley Borough 2004/5 to 2011/12



Town Planning

Friday, August 08, 2014

1:70000

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Issue 5: Hearing Statement Appendix 2

Lichfields Housing Trajectory Site Review

Relta Limited & Dylon 2 Limited (Objections 134 & 135)

November 2017

LICHFIELDS

1.0 Introduction

- 1.1 The purpose of this assessment is to review the identified housing trajectory sites and broad locations in the draft Bromley Local Plan (BLP) at Appendix 10.1, to inform our Hearing Statement on Housing Matters.

2.0 Policy & Guidance

- 2.1 The National Planning Policy Framework (NPPF) states (at para 47) that to boost significantly the supply of housing, Local Planning Authorities should:
- Identify deliverable sites sufficient to provide five years' worth of housing against their housing requirements for both market and affordable housing ; and
 - Identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for 11-15 years.
- 2.2 'Deliverable' and 'Developable' are defined by footnotes 11 and 12 of the NPPF, judged in terms of suitability, availability and achievability (PPG paragraphs 3-019 to 3-022). The NPPF (para 157) also states that 'Crucially', Local Plans should indicate broad locations for strategic development on a key diagram and land-use designations on a proposals map.

3.0 Methodology

- 3.1 The BLP Housing Trajectory consists of 55 sites and 4 broad locations, as identified on our Housing Trajectory Sites Location Map (Annex A) . We have undertaken a desk based review of each site to assess their deliverability and developability against the NPPF footnote 11 and 12 definitions. We have also taken into account the recent Court of Appeal judgement (St Modwen Developments Ltd v East Riding of Yorkshire Council).
- 3.2 In doing so, we have assessed each site's suitability, availability and achievability, in accordance with the guidance, as follows:
- Map Review – initial review of each site on mapping software and aerial photography to identify the sites, their context, potential constraints. Including flooding and heritage maps.
 - Planning History – review of each site's planning history assessing relevant recent and historical planning applications.
 - Building Control History – review of each site's building control history assessing relevant recent and historical building control applications.
 - LBB Local Plan Examination Library – review of submissions and supporting documents for the Local Plan for information on trajectory sites.
 - LBB Executive Committee – review of relevant meeting minutes.
 - Market advice – Turner Morum (surveyors) have undertaken a review of selected sites to determine land ownership and provide market information on the sites, including and in particular 'Site 16 (BTC APP Site G) in Bromley town centre.
 - Relevant Appeal/Planning Application Reports
 - General Search – Review of local media and other sources for information on the sites.

4.0 **Findings**

4.1 Our findings, set out below, identifies a reduction in the identified 9+ Trajectory supply¹ from 5,748 units to 3,769 units (-1,979 units):

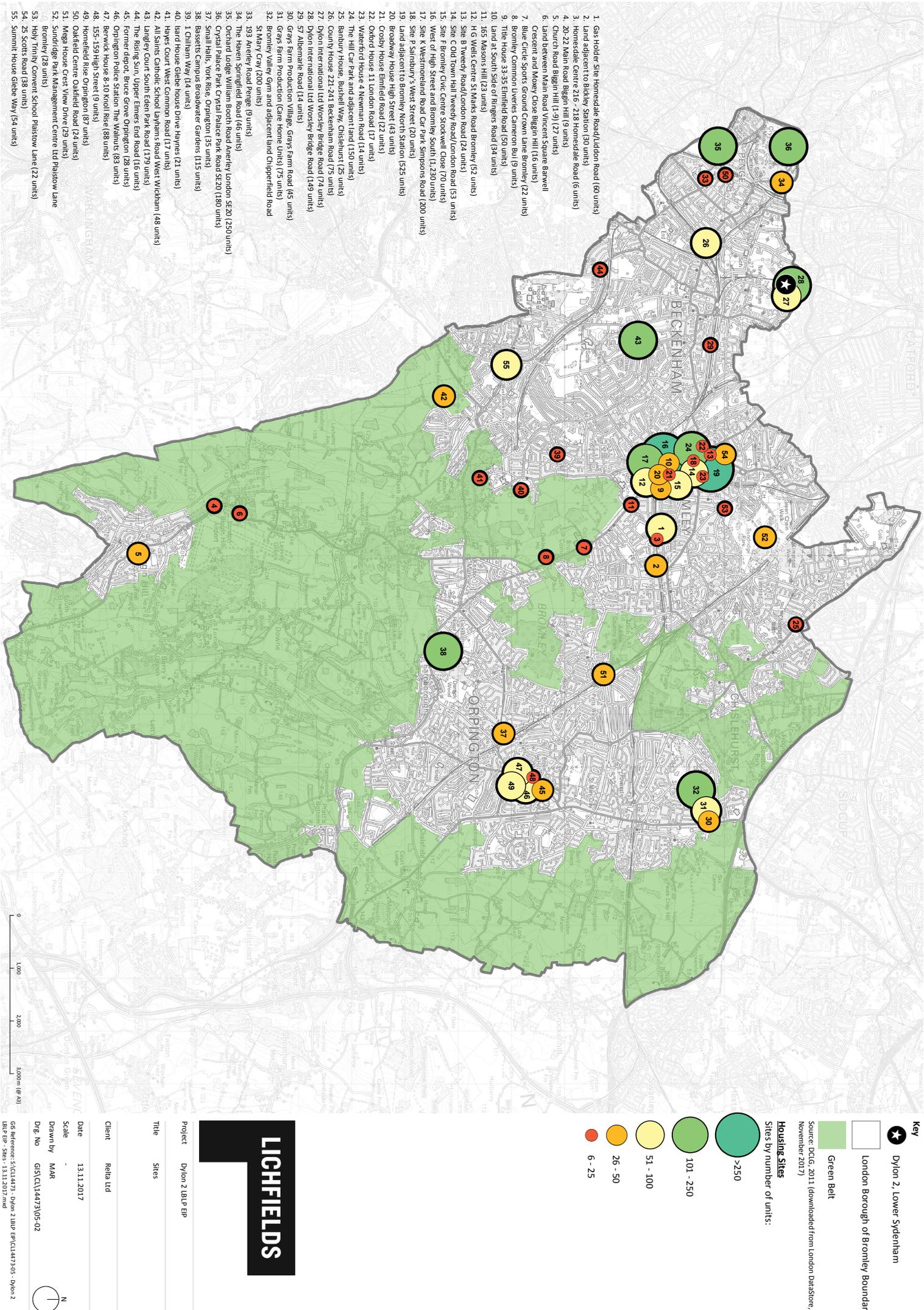
Table 1 Lichfields Housing Trajectory Findings

	LBB Yield Figure	Lichfields Yield Figure	Difference
Years 1-5	2034	1872	-162
Years 6-10	2134	1501	-633
Years 11-15	1580	396	-1184
Total	5748	3769	-1979

Source: Lichfields Analysis

¹ We note that the Council have included the Homesdale Centre (Site 3) in the Housing Trajectory which delivers only 6 units.

Annex 1: Housing Trajectory Sites Location Map



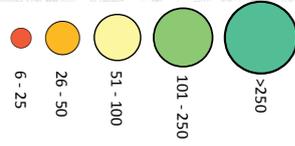
1. Gas Holder Site Homestead Road/Luddon Road (60 units)
2. Land adjacent to Bickley Station (30 units)
3. Homestead Centre 216 - 218 Homestead Road (6 units)
4. 20-22 Main Road Biggin Hill (9 units)
5. Church Road Biggin Hill (1-9) (27 units)
6. Land between Main Road Vincent Square Barwell Crescent and Moxey Close Biggin Hill (16 units)
7. Blue Circle Sports Ground Crown Lane Bromley (22 units)
8. Bromley Common Liveries Cameron Bui (9 units)
9. The House 33-35 Elmfield Road (50 units)
10. Land at South Side of Ringers Road (24 units)
11. 165 Masons Hill (23 units)
12. HG Meals Centre St Marks Road Bromley (52 units)
13. Site B Tweedy Road/London Road (24 units)
14. Site C Old Town Hill Tweedy Road/London Road (53 units)
15. Site F Bromley Civic Centre Stockwell Close (70 units)
16. West of High Street and Bromley South (1,230 units)
17. Site K Westmoreland Road Car Park Simpsons Road (200 units)
18. Site P Sainsbury's West Street (20 units)
19. Land adjacent to Bromley North Station (525 units)
20. Broadway House High Street (43 units)
21. Crosby House Elmfield Road (22 units)
22. Oxford House 11 London Road (17 units)
23. Watford House 4 Newman Road (14 units)
24. The Hill Car Park and adjacent land (150 units)
25. Banbury House, Bushell Way, Chislehurst (25 units)
26. County House 221-241 Beckenham Road (75 units)
27. Dylon International Ltd Worsley Bridge Road (74 units)
28. Dylon International Ltd Worsley Bridge Road (149 units)
29. 57 Albemarle Road (14 units)
30. Grays Farm Production Village, Grays Farm Road (45 units)
31. Grays Farm Production (Care Home Units) (75 units)
32. Bromley Valley Golf and adjacent land Chipperfield Road St Marys Czar (200 units)
33. 193 Akeley Road Penze (9 units)
34. The Haven Springfield Road (46 units)
35. Orchard Lodge William Booth Road Akeley London SE20 (250 units)
36. Crystal Palace Park Crystal Palace Road SE20 (180 units)
37. Small Halls, York Rise, Orpington (35 units)
38. Bassette's Campus Broadwater Gardens (115 units)
39. 1 Githam Way (14 units)
40. Isard House Glebe House Drive Haynes (21 units)
41. Hayes Court West Common Road (17 units)
42. All Saints Catholic School Latham's Road West Wickham (48 units)
43. Langley Court South Eden Park Road (179 units)
44. The Rising Sun, Upper Elmers End Road (16 units)
45. Former depot, Bruce Grove Orpington (28 units)
46. Orpington Police Station The Walnuts (63 units)
47. Berwick House 8-10 Knoll Rise (88 units)
48. 155-159 High Street (9 units)
49. Homefield Rise Orpington (67 units)
50. Oakfield Centre Oakfield Road (24 units)
51. Meggy House Crest View Drive (29 units)
52. Sundridge Park Management Centre Ltd Plastow Lane Bromley (28 units)
53. Holy Trinity Convent School Plastow Lane (22 units)
54. 29 Scots Road (88 units)
55. Summit House Glebe Way (54 units)

Key

- Dylon 2, Lower Sydenham
- London Borough of Bromley Boundary
- Green Belt

Source: DCLG, 2011 (downloaded from London DataStore, November 2017)

Housing Sites
Sites by number of units:



LICHFIELDS

Project	Dylon 2 LBUP EIP
Title	Sites
Client	Relia Ltd
Date	13.11.2017
Scale	-
Drawn by	MAR
Dwg. No	G/S/C/L14473/05-02

Annex 2: Lichfields Housing Trajectory Site Review

Reference	Site details				Lichfields Assessment			Lichfields Amended Yield
	Size (ha)	Development Yield (After Constraints)			Suitability	Availability	Achievability	
		Year	Net Dwelling Yield (Units)					
		1-5	6-10	11-15				
		15/16-19/20	20/21-24/25	25/26-29/30				
Deliverable Sites Review								
25	Banbury House, Buswell Way, Chislehurst	0.27	25		Y	N	N	0
35	Orchard Lodge William Booth Road Arley	1.9	200	50	250	Y	Y	215
37	Small Halls, York Rise, Orpington	0.46	35		Y	N	N	0
38	Bassells Campus Broadwater Gardens	2.5	40	75	115	Y	Y	98
40	Isard House Glebe house Drive Hayes	0.57	21		21	Y	Y	-24
49	Homefield Rise, Orpington	n/a	44	43	87	?	?	87
Conclusions: <ul style="list-style-type: none"> Lichfields mostly agrees with the deliverable sites identified in Appendix 10.1, noting that the vast majority of sites already have planning permission. Banbury House and Small Halls based on the best information available will not contribute to housing supply due to not being available or achievable. 								
Developable Sites Review								
1	Gas Holder Site Homestead Road/Lidton Road	1	60		60	Y	?	60
15	Site F Bromley Civic Centre Stockwell Close	5.75	70		70	?	?	20
16	West of High Street and Bromley South	n/a	310	920	1230	Y	?	706
<ul style="list-style-type: none"> The site consists of a former 11 bedded C2 facility. Its closure therefore removes 11 units from the supply on the basis that if C2 properties can be included as completions their loss equally should be subtracted. The site has been marketed twice by the Council for its redevelopment to provide 25 units but no sale was made. The vacant building is being assessed for potential use as temporary accommodation (Executive Committee, 11/01/17). The site is therefore not available. If refurbished there would be an assumed potential for 11 units. Therefore the net contribution of the site would be zero. Therefore 25 units should be removed from the trajectory. The site consisted of a 35 bedded C2 facility. Its closure therefore removes 35 units from the supply on the basis that if C2 properties can be included as completions their loss equally should be subtracted. The site is not available now as it has permission until 31/10/19 as a car park. In addition, the site is within 100m of a scheduled ancient monument – Crofton Roman Villa. Archaeological investigation work will be required and is likely to cause delay. We therefore consider that this potential supply should be moved to Years 6-10. The site was discussed at Executive Committee (11/01/17) resolving Cushman and Wakefield would help develop a scheme, submit a planning application and once permission was secured, market the site. The Council is now tendering for a contract to provide temporary accommodation on the site in the form of modular homes. A supplier open day is being held on 01/11/17. The modular homes will be temporary and it is unclear as and when they will be delivered and then subsequently removed from the supply. Given the temporary nature of the homes their net contribution to the supply would be zero and the supply added will need to be netted off at a later date. Given the site is not deliverable in terms of the NPF, this removes 35 units from the 1-5 years supply, but it is assumed they would be on-site in 6-10 year timeframe. The planning history of the site indicates Bassells House, via prior approval, had permission for 8 units (14/03/36/RESPA) prior to the wider permission for the redevelopment of the site being implemented for 115 units (15/04/94/1/FUL13). These 8 units therefore need to be netted off. The Knight Frank marketing report states that the site included Tugmutton Close '9 x half storey terraced houses'. On the balance of probability these units were all in some form of residential use. As such an additional 9 units should be netted off. Further, Ashtree Close also formed part of the Bassells Campus comprising '17x2 storey terraced houses, the majority of which have been converted to office use'. While we believe some were still in some form of residential use we cannot confirm the number. Therefore no more units have been netted off. The site's former use was a 45 bedded C2 facility. Its closure therefore removes 24 units from the supply on the basis that is C2 properties can be included as completions their loss equally should be subtracted. The site is allocated for 100 units in the Local Plan. Members however have since refused an application for 103 units on the site. The applicant has since made an appeal by Written Representation. The suitability of 100 units on this site following the members' decision post plan preparation is questionable. It must therefore be likely that, should the appeal be dismissed, the site will deliver less than 87 units net. The high costs associated with remediation of significant contamination will impact viability. The high costs associated with decommissioning the gas holders will impact viability. Given the low P/LAL rating, the ability to deliver a site with sufficient parking while delivering a sufficient number of units to be viable is as yet unknown. The site is split in to plots A, B and C. B is proposed for housing that includes the Grade II listed Old Palace. Plot B is allocated but its capacity is constrained by its designation as a Site of Importance for Nature Conservation (SINC) and Urban Open Space (UOS). Given the tension between its allocation for residential development and also its part allocation as UOS and SINC, and the Grade II listed Old Palace new built development will need to respect heritage setting. Development will also be constrained by restrictive land covenants, rights and service assessments. Covenants limit housing development to no more than 8 units per acre. Given the restrictions the site allocation should revert back to 20 units. Without a developer on-board and no indication that the existing users will be ceased, it is difficult to state with any confidence that this scheme will make meaningful progress imminently. This is further reinforced with references to the Council envisaging the completion of a masterplan by March 2016 to inform development of this site, our research suggests that there has been no masterplan developed. We do not consider that this site will come forward before 2025 and should move to the 11-15 year period. Turner Mowlem has advised that, from their liaison with the Council, no further progress has been made on this site. The Crest Nicholson scheme at Ringers Road within the site has now been completed. The next parcel of land known to be developed is the Ethelbert Estate site. Countywide Properties has signed an agreement to develop 384 dwellings on the site, delivering a net increase of c.346 units. It is planned the CPO process will begin in 2018 and development completed by 2025. However, a single objection will trigger a CPO inquiry and its known (according to local paper articles) a number of the 38 households oppose the scheme. The quantum of development is also questionable given the site is next to the conservation area and gardens. While Countywide is on board a previous agreement with Muse Developments Ltd in 2013 for the site fell through. This site history makes the 								
								Yield Years 6-15

										<ul style="list-style-type: none"> delivery of the Countryside development uncertain. There is no prospect of the remainder of the site being redeveloped comprehensively. In the inspectors report for the 2010 Area Action Plan it was noted a masterplan was required. No masterplan has come forward in seven years. The wider site does not have the capacity to deliver the anticipated yield with densities having to be greatly in excess of the London Plan SFQD once the Countryside development area, Ringers Road housing scheme, and highways etc. have been removed. There are further issues with levels across parts of the site reducing capacity. Its location in the middle of a highly developed town centre (much of which is in a conservation area), its multiple (unwilling) landowners and the need to provide parking all limit development. In addition, the AAP originally envisaged the now built out Crest Nicholson scheme at Ringers Road would accommodate 600 parking spaces of the 1200 total envisaged. The remaining area of Site G will need to provide for these spaces and to provide 1200 spaces would be of such a size to be difficult if not impossible to develop given the land available. It could be constructed as two separate car parks, with the obvious result being a doubling of the land required. The knock on effects of parking requirement and lack of space has not been considered in terms of the sites capacity for residential development. The southern section of the site lies close to the station and railway tracks necessitating complicated construction, much of the retail frontage and servicing access will need to be maintained, and there will be environmental and overshadowing issues, and scale and massing constraint (given LBBS resistance of 8 & 11 storeys on the Ringers Road development). This all collectively points to gross under provision against an over ambitious target. This position further reinforced by the loss of Housing Zone bid funding in order to fund required infrastructure improvements to unlock the residual development. While there has been progress on the Ethelbert Estate, residents are still utterly opposed and no progress has been made elsewhere. Given the uncertainty and issues discussed above, there is insufficient likelihood that the 384 agreed with Countryside Properties will likely come forward Turner Morum have assessed and identified the development potential of the residual 0.86ha to generate an assumed 360 dwellings, prior to any detailed planning assessment of suitability – see TM report at Annex C. 	
18	Site P Sainsbury's West Street									<ul style="list-style-type: none"> The site is not allocated in the Local Plan and was not identified in the 2013 London SHLAA. The site was allocated in the AAP but has not come forward for development. Turner Morum has advised that from their discussions with the Council no progress has been made with no recent conversations between LBB and Sainsbury's regarding the delivery of the scheme. There is no known developer interest or relevant recent planning activity. Highly uncertain whether the site will become available. As such the 20 units should be moved to the 11-15 year period. 	
	1.25	20	20	Y	?	?			20		
	Land adjacent to Bromley North Station									<ul style="list-style-type: none"> The site has a history of not coming forward originally allocated in the UDP (2006) with the subsequent AAP policy quashed as a result of a legal challenge based on viability. The Sherman Road part of the site is moving forward with a recent EA screening opinion request for a 21 storey 203 unit scheme being assessed developed by Be Living (formerly Prime Place). On 02/11/17 it was confirmed the proposed development was EIA development. However, it was originally envisaged a planning application would have been submitted in Spring 2017, therefore, the developer is considerably behind schedule delaying the units delivery. Bromley North Station is a listed building and the site partly adjoins a conservation area. The need to relocate the bus terminal and car parking that forms the majority of the site within the development is the chief impediment to the comprehensive redevelopment of the site. Turner Morum have advised that from their conversations with the Council that LBBS plan is to re-provide the bus station on-site and deliver the remaining units as part of this redevelopment. This is likely to result in more difficulties as it would be easier to deliver the site without the complications of delivering 300+ units around a bus terminal. There are also significant costs associated with re-providing the public transport facilities, station facilities, and bus terminal. No progress has been made of this area of the site and it is also in multiple land ownership and locally controversial. Only the former NHS Clinic part of the site has moved forward having a 9 unit scheme approved at appeal. Given the loss of Housing Zone funding its unlikely this part of the site, representing over half the site area, will do not consider this part of the site will come forward. In summary we consider 212 units likely to be believed (203+9) as the achievability of the remaining site is unknown. 	
19	The Hill Car Park and adjacent land									<ul style="list-style-type: none"> It is unclear whether 150 units could be delivered while re-providing the car parking. No massing models to assess a future developments relationship with adjacent park and nearby listed buildings has been prepared to confirm 150 units is suitable. Uncertain whether the site will deliver its anticipated yield. In addition, the Area Action Plan planned for 600 space car park to replace the Westmoreland Car park which has been redeveloped. The site proposed to re-provide these parking spaces has since been redeveloped for housing. As such there is additional pressure on parking in Bromley where the success of the town centre depends on adequate parking being available. This places greater onus on re-providing or enhancing the parking provision in addition to residential units. Given the need to re-provide the gym, library and other community facilities in addition to a low PFDAL rating (therefore the need to require higher levels of parking) and low rise nature of the surrounding area the future redevelopment will be heavily restricted. Due to the unknown specification and scale of the gym/library/community facilities that will need to be re-provided it is impossible to judge the suitability or achievability of 200 units on the site. It is therefore highly uncertain at this stage whether the site will yield 200 units and the scheme is locally controversial. 	
	2.86	440	85	525	Y	?	N		212		
24	Bromley Valley Gym and adjacent land Chipperfield Road St Mary Cray									<ul style="list-style-type: none"> A residential development is by definition inappropriate within the park / MOC. Its suitability is reliant on the wider redevelopment of Crystal Palace Park so that there are very special circumstances to justify residential development. The redevelopment of the park is highly uncertain. A former permission, now lapsed, was not developed following a lengthy planning process. The new scheme will face similar issues causing delay. In addition, the former scheme was locally controversial and subject to a series of legal challenges in the Courts. The development has moved forward with AECOM working with the Council to bring forward the regeneration of the park. However, the redevelopment of the park is reliant on H.F. G.A. and Historic England funding that has not, as yet, been secured. The development didn't come forward last time even with permission so the new AECOM scheme may similarly be hampered. (See AECOM May 2017 Regeneration Plan). Without the parks redevelopment the residential aspect will not come forward. The number of units required to fund the parks redevelopment is at present uncertain. This is therefore a highly uncertain supply of units. 	
	n/a	150	150	?	?	?			150?		
32	Crystal Palace Park Crystal Palace Park Road SE20									<ul style="list-style-type: none"> It is therefore highly uncertain at this stage whether the site will yield 200 units and the scheme is locally controversial. 	
	2.8	200	200	?	?	?			200?		
36	Crystal Palace Park Crystal Palace Park Road SE20									<ul style="list-style-type: none"> A residential development is by definition inappropriate within the park / MOC. Its suitability is reliant on the wider redevelopment of Crystal Palace Park so that there are very special circumstances to justify residential development. The redevelopment of the park is highly uncertain. A former permission, now lapsed, was not developed following a lengthy planning process. The new scheme will face similar issues causing delay. In addition, the former scheme was locally controversial and subject to a series of legal challenges in the Courts. The development has moved forward with AECOM working with the Council to bring forward the regeneration of the park. However, the redevelopment of the park is reliant on H.F. G.A. and Historic England funding that has not, as yet, been secured. The development didn't come forward last time even with permission so the new AECOM scheme may similarly be hampered. (See AECOM May 2017 Regeneration Plan). Without the parks redevelopment the residential aspect will not come forward. The number of units required to fund the parks redevelopment is at present uncertain. This is therefore a highly uncertain supply of units. 	
	1.9	180	180	Y	?	?			180?		
<p>Conclusions:</p> <ul style="list-style-type: none"> The Housing Trajectory relies on a number of highly uncertain sites that are likely to not deliver the quantum of units envisaged or, as in the case of Crystal Palace Park, potentially any at all. West of Bromley High Street and Land Adjacent to Bromley North Station are unlikely to be comprehensively redeveloped. No progress made on the majority of their allocation. The designation of a Housing Zone for Bromley Town Centre has been quashed and the principal sites within the town centre are on the Council's own admission dependent on some £27.1 m Housing Zone funding for land acquisition affordable housing and off site highway improvements without which development would be frustrated. The Utility provider has also indicated in local plan representations that there is a critical water supply issue which will constrain significant future development in the Bromley Town Centre until resolved 											

Broad Locations							
Bromley Town Centre (250)							
Ospington (125)							
Changing Retail Patterns (200)							
Public Land Reorganisation (300)							
n/a	390	575	965				0

- Bromley Town Centre has been identified as a Broad Location for development. Paragraph 2.1.18 of the submission Local Plan differentiates between the allocation sites (including sites within Bromley Town Centre Area Action Plan) and the broad locations. Given LBB has not, as is considered crucial, clearly identified the broad locations in the Local Plan it is currently uncertain as to where the broad location of these proposed developments in Bromley town centre would be located in addition to those sites already allocated. As such there is a risk of double counting and thus removes 250 units from the trajectory.
- Similarly, Ospington has not been identified and there is the risk of double counting. This removes 125 from the trajectory.
- Furthermore, 'Changing Retail Patterns' and 'Public Land Reorganisation' are not specific locations and have not and indeed cannot be identified geographically.
- There is also justification demonstrating there will be sufficient changes in retail patterns or releases in public land to warrant their yield. As such, this removes 500 units from the trajectory.

- Conclusions:**
- The Housing Trajectory is heavily reliant on these 'Broad Locations' coming forward for development representing 16.7% of the units projected.
 - The Local Plan has not identified the Broad Locations on the BLP key diagram and no justification is provided to rationalise their allocated yields. All broad locations should be removed.

Annex 3: Turner Morum Site G Development Site Analysis

BROMLEY AREA ACTION PLAN 2010 – 2025

SITE G: DEVELOPMENT SITE ANALYSIS

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* Member of the Rating Surveyors' Association

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1. Background & Experience
2. Introduction
3. Detailed Key Colour Code Analysis
4. Site G Density Analysis
5. Conclusions

APPENDICES

Appendix 1 – Site G Density Analysis

1. BACKGROUND AND RELEVANT EXPERIENCE

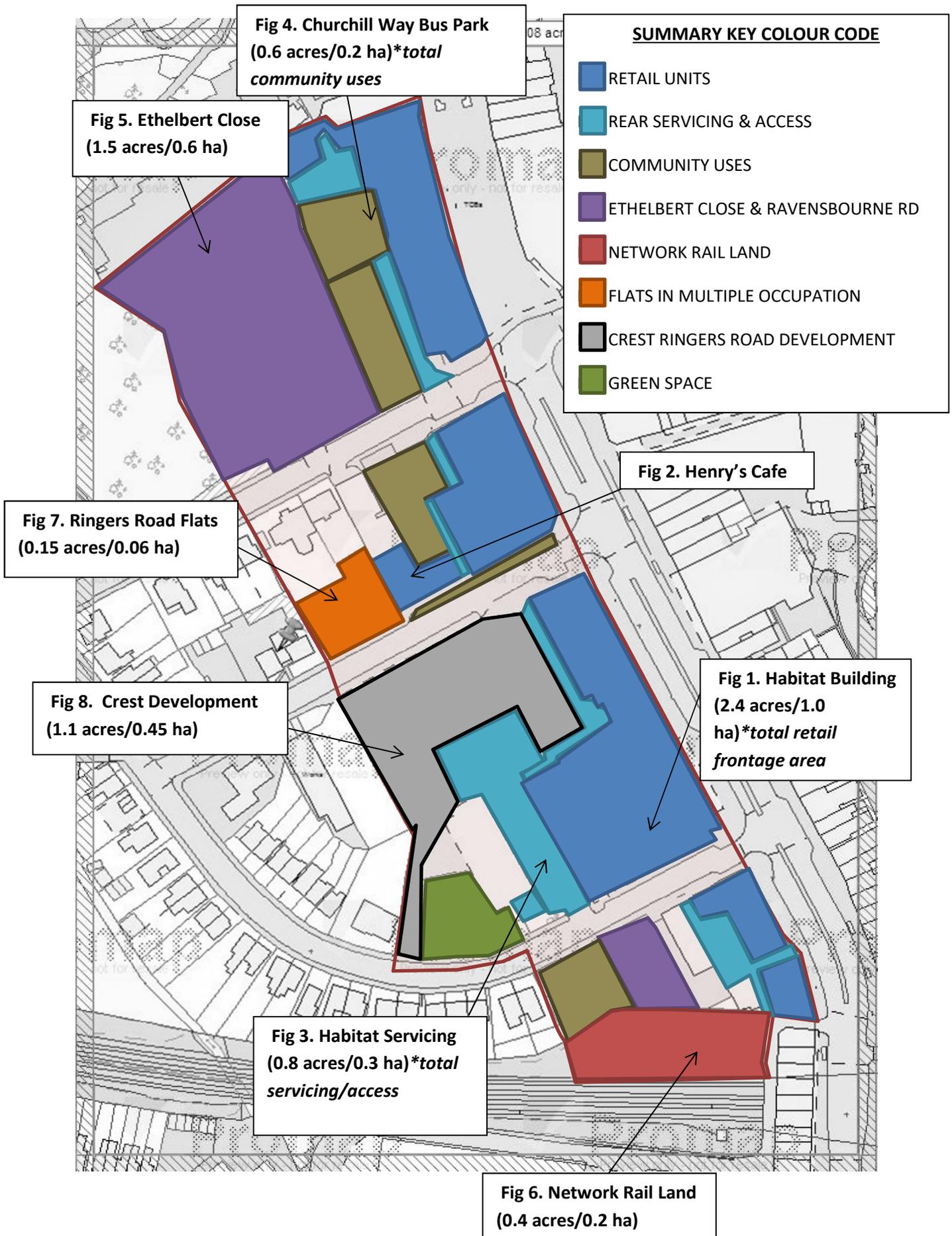
- 1.1 This report has been produced by Nicholas Bignall MRICS and reviewed by John Turner MRICS of 32-33 Cowcross Street, London EC1M 6DF.
- 1.2 Turner Morum regularly advise across the whole of the UK on the value and potential of major tracts of development land. We are currently instructed by a substantial number of Developers, Local Authorities & Landowners and have over 30 years of experience in this field.
- 1.3 Turner Morum have been involved in various land supply analysis included instructions acting for the likes of Redrow Homes, Barwood Strategic Land, Bowbridge Land and various other clients in locations such as Wellingborough, Canterbury, Stafford and South Northamptonshire.
- 1.4 We are instructed by Mr Iain Hutchinson of Relta Ltd and Dylon 2 Ltd to assist in the review of the housing trajectory in the draft Bromley Local Plan, undertaken by Lichfields, by providing ownership and commercial market advice on a number of sites and in particular advising on the development potential of the largest allocation site in Bromley town centre (known as 'Site G' in the BTCAAP / Site 16 in the BLP).

2. INTRODUCTION

- 2.1 The Bromley Town Centre Action Area Plan (AAP) was adopted in October 2010. There were 8 residential Sites (A, B, C, F, G, K, L and P). The AAP was intended to span three five year long phases over a 15 year period 2010 to 2025.
- 2.2 The first Phase of 2010 to 2015 has therefore ended and we are 2 years into Phase 2. Despite the passage of time none of the AAP Opportunity Sites have been completed within the first Phase and I understand that only the Crest Nicholson development on Ringers Road within Site G has delivered any housing to date. It is worth noting the Ringers Road Site has had planning permission since 2008 and therefore took over seven years to be completed.

- 2.3 As outlined previously this analysis focuses on the largest site within the Bromley AAP which is **Site G**. This is allocated for 1,230 dwellings over the Plan period. This analysis seeks to review the details within Site G and assess how much land is realistically available for development in the short, medium and long term and also what scale/type of development would be achievable.
- 2.4 We have subsequently reviewed the titles to the relevant properties and conclude that this site, along with many other larger town centre sites, is beset with planning ownership, highways and infrastructure and potentially complex and onerous valuation issues.
- 2.5 The map on the following page (**Map 1**) shows a breakdown of the Site G area as per the AAP Allocation specifically showing the current uses on site. Throughout this report I seek to examine these uses and analyse how achievable development is in this context.
- 2.6 One will observe I have included some area calculations on Map 1 for the different uses. This area breakdown can also be viewed as Appendix 1. It should be noted that these areas have been calculated online using a mapping tool and as such provide an approximate measure of the development areas. For this purpose, however, they should assist in illustrating the development constraints on Site G.
- 2.7 We are advised that since the AAP the proposed submission of the draft Local Plan now includes some additional land for Site G to the South East of Map 1 covering retail units, railway track and roads. I discuss this additional allocation area in further detail later in this analysis.

Map 1. Site G Breakdown



3. DETAILED KEY COLOUR CODE ANALYSIS



PRESERVED RETAIL UNITS WITHIN SITE G

(c. 2.4 acres/1 ha)

- 3.1 The areas highlighted in dark blue on the map are retail units, the majority of which have a frontage onto the High Street. The Council has also been advised that the previously assumed retail led concept is non-viable and has as such relinquished the idea that the existing retailing fronting the High Street should be redeveloped. The necessary consequence of this is that the area available for development is now substantially reduced and the Council's concept is now residentially led and not reliant on retailing.
- 3.2 As such one can reasonably assume that these areas within Site G will not be available for development. Certain areas highlighted dark blue on the attached map are of a specific importance to Bromley. The Habitat Building (see Figure 1 below) consists of numbers 44 High Street & 2, 8 and 10 Ravensbourne Road and is considered to be of Townscape importance to Bromley and as such it is important that this building is maintained and not included in any development proposal.



Fig 1. Habitat Building

- 3.3 In addition to the retail use there are also ongoing office uses on the upper floors of the Habitat building. This is the same for many units highlighted dark blue fronting on to High Street.
- 3.4 To the Southern edge of the Site (nearing the railway lines) there are 9 separate retail uses all of which are subject to long term leases. These leases contain restrictive covenants some of which specify that only detached/semi-detached dwellings can be constructed on this site.

- 3.5 Further up the site off Ringers Road there is an A3 café called 'Henry's Café' – see below:



Fig 2. Henry's Café Bar

- 3.6 Although this does not front High Street it is subject to restrictive covenants meaning that only detached and semi-detached dwellings can be constructed in this location. Any development here will also have to be conscious of Rights of Light, overlooking and overshadowing issues especially with the new build Crest development directly opposite.



REAR SERVICING & ACCESS

(c. 0.8 acres/0.3 ha)

- 3.7 Where there is an intention to maintain the retail elements contained in Site G and highlighted in the attached map it is also apparent there is a requirement to maintain the rear servicing and access for these retail units – such areas are highlighted in light blue on the attached map. Naturally without these highlighted areas the retail units would not be able to operate and as such it is essential these are maintained and preserved from any development proposal.
- 3.8 The image below illustrates the rear servicing which would need to be maintained for the Habitat building.

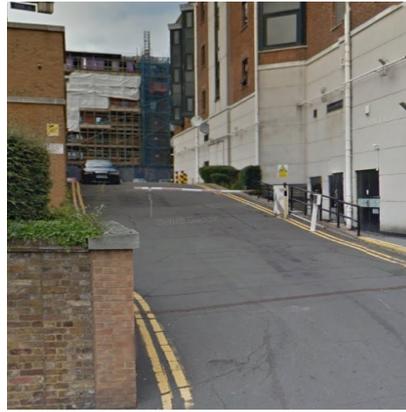


Fig 3. Habitat rear servicing

3.9 It should be noted that the rear servicing to the northern quadrant of Site G along Churchill way is now public highway providing access to the Town's only coach park (discussed in further detail below) and is therefore a permanent feature.



COMMUNITY USES

(c. 0.6 acres/0.2 ha)

3.10 At the Southern edge of the proposed development site the area highlighted dark green on the map is the Doctor's Surgery on Ravensbourne Road. One would assume that this site would not only need to be preserved from any development proposal due to its use and importance to the local community, but also it should be noted that the surgery buildings are subject to restrictive covenants meaning only detached and semi-detached dwellings could be constructed here.

3.11 Moving North up the site onto Ringers Road I have highlighted a public bus lay-by on Ringers Road and north of this is the Salvation Army building on Ethelbert Road. This building is also subject to the same restrictive covenants as per the Doctor's Surgery on Ravensbourne Road.

3.12 Off Churchill Way to the North of the site is the Bromley Town Church which is an important asset to the local community and, again, subject to restrictive covenants on the type of dwellings which could be constructed here.

3.13 The square area highlighted above the Church, and noted as Fig. 4 is a coach park – see image below:



Fig 4. Churchill Way Bus Park

3.14 This parking area provides for 2 buses and 4 disabled bays. I understand that this is the only bus park servicing Bromley town centre and as such is of significant importance considering the requirement for parking in Bromley and will need to be maintained within any development proposal.



ETHELBERT CLOSE & 9 – 11 RAVENSBOURNE ROAD

(c. 1.5 acres/0.6 ha)

3.15 The area highlighted purple to the North East of the site is called Ethelbert Close. It consists of c. 38 semi-detached maisonettes dating back to the mid-1930s all of which are well maintained and presently occupied. Most of the units have long term leases up to 126 years the shortest of which expires in 2051. The vast majority of these leases are subject to restrictive covenants (only detached and semi-detached units), rights and easements. See image below:



Fig 5. Ethelbert Close

3.16 This highlighted area borders a Conservation Area to the East off Churchill Way and also to the West with the Church House Gardens. Aside from the fact that all of the units are occupied on long term leases which in itself presents significant issues in bringing

forward this area for development, the proximity to a Conservation Area will limit the size, scale and design of any development proposal.

- 3.17 Any development on land adjacent to or overlooking to a Conservation Area must not adversely affect the setting of said Area (which means that anything higher than the existing maisonettes is likely to encounter opposition from the planners as well as the local residents and church goers). Furthermore Church House Gardens is on a downward slope from site; therefore anything constructed on this site will need to be sensitive to the area and most likely of a small scale.
- 3.18 As a very rough estimate, at existing use value the properties could exchange for c. £350,000. Added to the statutory 10% residential premium this would give rise to a bill of over £15 million before adding the costs of demolition, archaeology (the site forms part of an area of archaeological significance as does the greater part of site G) and other costs associated with site preparation.
- 3.19 It has been reported in the local media that the residents of Ethelbert Close, who consider themselves something of a micro-community of over 100 people, have vowed to vehemently defend their homes from any development proposal.
- 3.20 The purple land highlighted at the Southern tip of the site is for units 9, 9A, 11 & 11A on Ravensbourne Road. These units are also maisonettes which are on long terms leases and subject to easements and restrictive covenants on development.
- 3.21 The Council have selected Countryside Properties (UK) Ltd as their preferred development partner to deliver this section of Site G known as 'Churchill Gardens'. The intention from the Council's/Countryside's perspective is for CPO action to begin in 2018 and achieving a planning consent in the same year. Following this the timetable is for completions to be realised in 2023 – 2025.
- 3.22 The above analysis of the complexities in delivering this section of Site G I believe make the Councils timescales extremely optimistic. It is also worth noting that in 2013 Muse Developments Ltd were selected as the Councils preferred development partner for Site G but this relationship ended in 2014 when the Council rejected Muse's proposal. As

such one could suggest that the selection of a development partner by the Council is no guarantee on itself of completion of units.



NETWORK RAIL LAND

(c. 0.4 acres/0.2 ha)

3.23 The land highlighted red at the Southern edge of the site is Network Rail land abutting the railway leading into Bromley South Station. The first thing to note about this area of land is that it is effectively a steep bank full of vegetation with a sharp incline from the edge of the dwellings down to the railway line. As such from a physical perspective it presents a hugely significant challenge for any development to occur on this site. There are also issues with regards to how one would even access this land for development. See image below:

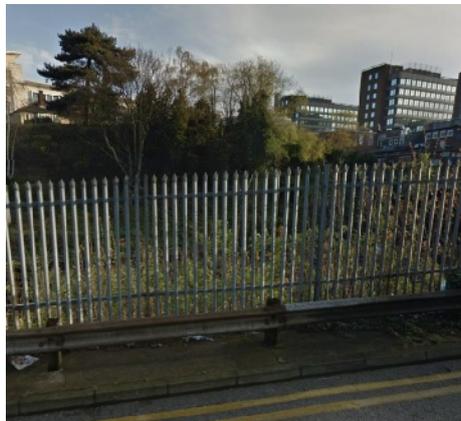


Fig 6. Network Rail Land

3.24 One also needs to bear in mind that there would inevitably be restrictions on the development which could occur here due to the proximity to the railway line and any potential operational infringement on Network Rail land.

3.25 I believe it is also worth noting that this part of Site G, along with the units on Ravensbourne Road, was originally allocated for 50 dwellings in a separate allocation (known as Site H) in the draft AAP. I believe the above demonstrates not only how difficult it would be to construct 50 units in this location in the immediate future but also how unrealistic it is to assume the Council will develop over 1,000 dwellings through the rest of the site. The original 50 unit allocation was also, I believe, on the basis that the retail frontage would not be retained – clearly this is different to the latest Site G proposal and means less space for development.



FLATS IN MULTIPLE OCCUPATION

(c. 0.15 acres/0.06 ha)

3.26 Within the area highlighted orange on the Site G map there are 2 blocks of flats on Ringers Road. 6 Ringers Road is a fairly modern building constructed in c. 2000 as 8 flats which are occupied on 125 leases. See image below:



Fig 7. 6 Ringers Road

3.27 The other unit is called Ringers Court which is fully occupied and consists of 7 flats. These are also on 125 year leases dating from 1978 and as such have significant time left to run.

3.28 Both units are well maintained, fully occupied and in good condition. One would have assumed that any development proposal for housing within this Site as proposed by the Council would not include these 2 units as they are fairly modern buildings (certainly with 6 Ringers Road which was only built at the turn of the Millennium) in which every unit is let on a long term lease.



CREST NICHOLSON DEVELOPMENT – RINGERS ROAD

(c. 1.1 acres/0.4 ha)

3.29 This scheme is now built, sold and occupied and is illustrated highlighted grey on the map. Planning Permission was granted in 2008 for the development of one 10 storey and one 8 storey block containing a total of 163 flats with 80 car parking spaces.

3.30 It should be noted that the original plan for the redevelopment within Site G has been negated, as confirmed by the Council, by the Crest Nicholson scheme. This large development is located in the middle of Site G and I understand sits where a substantial car park was originally intended (c. 600 spaces). It is difficult to see where the Council will be able to bring forward the dwellings they state within this site whilst also providing the intended car park within the site as originally envisaged.



Fig 8. Crest Development – Ringers Road



GREEN SPACE

(c. 0.2 acres/0.1 ha)

3.31 Located in between the rear access and servicing for the Habitat store, and the rear access for the Crest Nicholson Ringers Road development lies a section of undeveloped green space – highlighted as the green area on the map. This area appears to be contained by numerous trees and vegetation which one would assume would be maintained as part of a development proposal considering Bromley’s need to provide an element of green space in the Borough.

ADDITIONAL ALLOCATION IN THE LOCAL PLAN

(c. 2.7 acres/1.1 ha)

3.32 Since the AAP Allocation and the publication of the draft Local Plan some additional land has been included within Site G which is not shown in Map 1. The additional land amounts to c. 1.1 hectares and adjoins from Map 1 on the Southern edge from the Network Rail land. The additional allocation include the retail units fronting on the High

Street by Bromley South Station, the road, the railway tracks and a very small parcel of land by Elmfield Road. This is shown in Fig 8 below.

Parcel of Land off Elmfield Road (Fig 10)

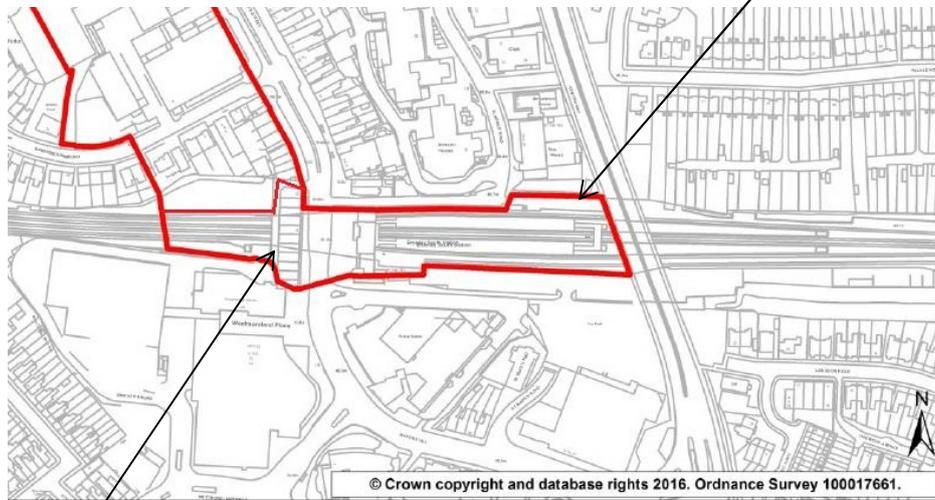


Fig 8. Additional Site G Allocation in Local Plan

High Street Retail Frontage (Fig 9)

3.33 On reviewing the above additional land it is apparent that the vast majority of space is taken up either by highways or railway track and as such is non-developable. Some further land is occupied by retail units on the High Street which as outlined above we understand are protected from development (see Fig 9 below).



Fig 9. High Street Retail Frontage

3.34 The only potential developable land within this additional allocation could arguably be the parcel off Elmfield Road. This amount roughly to c. 0.08 ha and is positioned right

next to the railway lines – as you can view from Fig 10 below it is not development ready and I believe unlikely to realistically deliver housing in the short to medium term.



Fig 10. Small Land Parcel

4. SITE G DENSITY ANALYSIS

4.1 Following the above analysis reviewing the breakdown of uses within Site G we have scheduled these different uses into a table which can be viewed as Appendix 1. One will observe that the table is split roughly in half, separated by a line and shading. The top 6 land uses in the breakdown are listed below:

- Crest Ringers Road Development
- Ethelbert Close
- Existing public highways
- Retail units
- Additional Land in LP
- Rear access and servicing to these retail units

4.2 We are aware that all of the above areas within Site G are considered as not 'available' for development. Obviously the Crest Ringers Road scheme is a recently completed new build flatted development and as such will be excluded from any proposal on Site G to contribute to the allocation.

4.3 Although there are numerous complications involved with delivering the area known as Ethelbert Close (most notably extensive CPOs) we are conscious that Countryside Properties (UK) Ltd has been selected as the Council's development partner. We understand Countryside are working up a scheme of 384 units for planning although

when this is likely to come forward is another matter. For the purpose of this exercise we have assumed Ethelbert Close will deliver 384 units.

- 4.4 The highways obviously connect with areas outside of the Site G boundary and therefore are not part of this development area. As such we have assumed they will be maintained with any development proposal.
- 4.5 The Council have been clear in recent publications/meetings that the retail units within Site G will be maintained. Indeed, at a Meeting of the Executive on 26th November 2014 the Council confirmed that *'it is proposed to retain the majority of the commercial frontages to the High Street, except the two units closest to the Central Library which will be incorporated into a widened entrance'*. Clearly the above suggests there would be no residential development on existing retail units in Site G.
- 4.6 As explained above the retail units are protected from development and as these make up a chunk of the additional allocation land in Site G – along with highway and railway tracks I have included this as not available for development. I acknowledge a small parcel of land within this may be developable however this would only equate to less than c. 0.1 hectares.
- 4.7 If the retail units are being preserved then clearly the rear access and servicing of these retail units will also need to be maintained. Needless to say, the retail units would not be able to properly function without the existing servicing and access at the rear of the units.
- 4.8 These 6 land uses are ones which the Council/a developer will be unable to use to bring forward the remaining residential completions in Site G. If one deducts the approximate area measurements of the above land uses (c. 3.7 hectares) from the total area (c. 4.5 hectares) of site G you are left with a residual area of c. 2.2 acres or 0.9 has.
- 4.9 The Council proposes Site G will deliver 1,230 dwellings in total although we have reduced this 1,070 to include the units already provided in the Crest scheme. We have then also given the Council the benefit of the doubt in assuming 384 units will be delivered in Ethelbert Close. This creates a residual dwelling requirement for Site G of 686 units.

- 4.10 If one considers the proposed residual dwellings against a development area of 0.9 ha this equates to a density of 784 dwellings per ha. This is c. 94% over the highest density outlined in the London plan for central areas at 405 dwellings per ha.
- 4.11 This analysis is without even considering the restrictions on the other land uses identified in the table and in our earlier submission. For example, we consider the Network Rail land to be inaccessible and would present serious complications and issues if this were to be included as developable land for residential dwellings. Removing this area from the breakdown equates to c. 0.7 ha of residual developable land which against 686 dwellings equates to a density of 947 dwellings per ha.
- 4.12 All of the land uses identified in the table have some form of complication/restriction on their development. Considering all of the restricted land uses the developable area reduces to just 0.7 acres (0.3 ha). For 686 residual dwellings this equates to a density of 2,555 dwellings per ha – to provide some context this over 6 times the maximum density advised in the London Plan.

5. CONCLUSION

- 5.1 It will be evident from the above analysis that the Ringers Road development and the retail and rear servicing protection now afforded to the High Street Frontage, highways and servicing leaves little room to play with in terms of large scale residential development on Site G.
- 5.2 If one excludes the areas which we know are either not going to come forward/are already being developed, such as the retail units (c. 2.4 acres), highways (c. 0.6 acres), Ethelbert close (c. 1.5 acres) and Ringers Road (c. 1.1 acres) this amounts to some 5.6 acres. Deducting this from the gross site area equates to a residual 'developable' land area of 5.7 acres.
- 5.3 If we then acknowledge that the majority of the additional land allocated in Site G in the local plan is undevelopable also (i.e. either retail, highway or railway track) and the retail servicing will need to be maintained then the residual land drops to 2.2 acres. Assuming the Countryside proposal for Ethelbert Close comes forward as per Ringers Road the residual dwelling requirement in Site G equates to 686 dwellings. Considering against

the 2.2 developable acres, even at this level one would be exceeding the London Plan maximum density at 784 dwellings per hectare.

- 5.4 To consider this another way, if we are to be optimistic regarding delivery of Site G there is arguably a 'reasonable prospect' that development could occur in the residual 2.2 acres of development land (0.89 ha). Applying this area of 0.89 ha to the maximum density levels in the London plan of 405 per ha, the result would be a maximum of 360 dwellings.
- 5.5 Assuming the Ethelbert Close section of the Site is delivered by Countryside then this would result in a net gain of 346 dwellings (384 proposed less 38 existing units). As such, from an optimistic position one could suggest there is a 'reasonable prospect' of the maximum delivery of 706 units from Site G, after Ringers Road and assuming the Ethelbert Close is deliverable.
- 5.6 This position also assumes that the land included within the residual 0.89 ha is all developable. As has been detailed throughout this report this is not necessarily the case as we have identified numerous community uses (0.2 ha), the network rail land (0.2 ha) plus other flats in occupations etc.
- 5.7 I trust this analysis provides some additional context and evidence regarding the optimistic assumption from the Council that a total of 1,070 residual residential dwellings (excluding the completed Crest Ringers Road scheme) can be delivered in the foreseeable future within Site G. Clearly there are multiple restrictions within this Site meaning that any significant development on a scale envisaged by the Council would exceed the highest density levels outlined in the London Plan.
- 5.8 Although clearly the Council will point to progress with a development partner being selected to bring forward 'Churchill Gardens' (i.e. Ethelbert Close) within Site G it should also be noted that the residents of Ethelbert Close are united in their opposition to any proposals for the acquisition of their land and as such the realisation of completions on this site is far from certain. The Council for its part is unlikely pursue any kind of CPO without its costs being fully guaranteed and under-written. Any significant development on this site would be dependent the following items:

- Approval of a Master Plan involving a viable housing concept
- Submission and grant of a planning permission including viability negotiations
- Council allowing development on protected retail sites
- The making of a Compulsory Purchase Order (CPO) & site assembly by developers
- The successful conclusion of a CPO Inquiry (compensation to be agreed with over 100 different interests)
- S278 Highways Agreements
- High density development in areas restricted by Conservation Area requirements or restrictive covenants
- The conclusion of a joint venture agreement with a development partner in circumstances where the Council has only minimal ownership within Site G.
- The successful relocation of 600 parking spaces within the site which was originally designated to occur in the Crest Ringers Road site
- Successful development (in some way) of the Network Rail land and addressing the issues in constructing on sites close to railway lines
- Generating £27.1m in lost Housing Zone funding previously considered by Bromley Council as vital to development of Sites A & G

5.9 In conclusion I do not believe that the Council can credibly secure anywhere near 1,230 dwellings as per the analysis above and as such I believe the assessment of delivery Site G and the Housing Trajectory targets in the AAP to be unrealistic for this site.

Questions for Oral Reply from Ms Davina Misroch, on Behalf of Friends of Community G

1. What weight, if any, can now be attached to the targets in the AAP for Site G given that the site has been bisected by the Ringers Road development and given that there is no Master Plan which the AAP Inspector decreed should inform the 'location, mix and amount of development'?

Reply:

The Bromley Town Centre Area Action Plan (AAP) 2010 is the adopted plan for the town centre, which sets out the development land use strategy which will be pursued. As such, considerable weight is given by the Council and the Planning Inspectorate to the plans, policies and site allocations set out in the AAP to guide development on individual sites.

2. Does the Council accept that development on Site G should not be coming forward in an unplanned piecemeal way but should be guided by a Master Plan, as recommended by the AAP Inspector? Moreover, that the Master Plan should identify those sites which would benefit from redevelopment and those that should be left alone, as referred to in paras. 6.41 and 6.42 of the Inspector's decision, and does not mean that comprehensive redevelopment should take place?

Reply:

The AAP Planning Inspector acknowledged that there were a range of opportunities for extensive redevelopment to take place on Site G and by committing to a masterplan process the Council would have greater certainty about the form of development which should take place, and whether certain existing buildings need to be included, or excluded, from any redevelopment. The Council has adopted such an approach throughout the recent development procurement exercise. This exercise has illustrated that a retail led development on the scale envisaged in the Site G Policy is not currently viable or achievable. However, this exercise has illustrated what is likely to be viable, achievable and meet the policy requirements of the AAP.

Supplementary Question:

Ms Misroch asked what the Council's attitude was to preparing a masterplan. In response, the Leader stated that he would come on to this later in the questions.

3. Neighbourhood Planning is a Localism success story with 1200 communities across England now taking forward Neighbourhood Plans, many in London Boroughs. What are Bromley Council's views about a potential Neighbourhood Plan for Bromley Town Centre?

Reply:

The Bromley Town Centre Area Action Plan (AAP) 2010 is the adopted plan for the town centre, it is still relevant and current. However, if there is community interest in

complementing these policies with a neighbourhood plan then this is something the Council would give due consideration to.

Supplementary Question:

Ms Misroch suggested that giving consideration was not strong enough and that under the Localism Act the Council had a duty to assist with a neighbourhood plan. The Leader responded that he would ask for legal advice on this, but he accepted that the Council had to work with residents to achieve a satisfactory development.

4. What are the Council's plans for Opportunity Site G?

Reply:

The appraisal work carried out in respect of the MUSE Masterplan confirmed that the ability to deliver a comprehensive redevelopment across the whole of Site G has been negated by the commencement of the Crest Nicolson residential development in Ringers Road. It is therefore highly unlikely that a comprehensive redevelopment proposal will be forthcoming in the period of the AAP. However, while market testing of a retail led scheme on Site G has proven negative, the appraisal work did illustrate the strength of the site to deliver a potential residential/mixed use redevelopment. The AAP planning policy for Site G, which remains the adopted planning policy, sees the site making a significant contribution to the AAP total of 1,820 residential units as well as supporting new restaurants, community facilities and public realm improvements.

The Council's development advisors have recommended that development work on Site G should be refocused to promote a first phase residential/mixed use development option which could be limited to properties north of Ethelbert Road, including the residential properties of Ethelbert Close and the Town Church. It is proposed to retain the majority of commercial frontages to the High Street, except the two units closest to the Central Library which will be incorporated into a widened entrance. This first phase development has the benefit of clearly setting out for the first time which residential and commercial properties will be impacted and will be required to be purchased to bring forward this development option. This approach will provide greater certainty to the owners and occupiers of properties inside and outside of the proposed first phase development site.

Supplementary Question:

Ms Misroch commented that the community wanted to be involved from the inception of any new proposals and that what was being suggested sounded too ambitious for Site G. The Leader responded that the Council could not take on the risk of acting as an independent developer. Vision was needed for the site, involving local people at the earliest point.

5. Should the Council propose to go forward with an alternative scheme, will the Council undertake to invite and incorporate the community's input from the very beginning, including full consultation at the design stage?

Reply:

Subject to Executive approval, it is proposed to undertake initial design work on the first phase development site which will be used to inform a public consultation on the

potential site, phasing, massing, mix and layout of any potential scheme. It is proposed to write to all residents and stakeholders informing them of the Council's decisions regarding the development of Opportunity Site G. This letter will invite all residents and stakeholders to a public meeting in the New Year to discuss the future development option. This will also be an opportunity for officers to consult stakeholders on a range of community infrastructure improvements that they would like to see delivered as part of the overall town development programme.

Supplementary Question:

Ms Misroch welcomed these last comments and that it was on record that the Council would consult residents from the beginning.

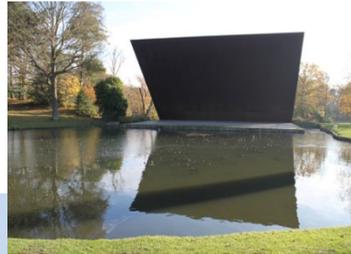
6. Residents on Site G are concerned that their properties remain blighted. What is the future of residents' properties in what was formerly known as Site G?

Reply:

The Council is committed to undertaking public consultation on the revised development programme, which will also clarify the approach to bringing forward development on the remainder of Site G.

The Leader asked officers to elaborate further on the proposals, picking up some of the issues that had been raised. Subject to the decisions made by the Executive, the Council could consider purchasing at market value those properties within the "red line" i.e. those within the development property site. Properties outside the red line could also be considered for purchase, but the Council would have to consider the merits of hardship claims. It was confirmed that Neighbourhood Plans had to be properly constituted and to complement national and local policies. The Council was committed to a masterplan process, and this would need to be informed by proposals from a development partner. At present the Council did not have a viable scheme, so the issue was to consider what alternative schemes could be compatible. The Council was committed to consulting with the public, other stakeholders and Ward Councillors.

Ms Misroch commented that many of the people most directly affected were not familiar with the technical language being used and that she hoped that the Neighbourhood Forum was a good way forward that the Council would approach positively. The Leader responded that the Council wanted to be clear and helpful and would be as adaptable as possible.



Renewal & Recreation

PORTFOLIO PLAN 2015/16

A Vibrant Thriving Borough

Foreword

Projects and services delivered under the Renewal & Recreation Portfolio make a vital contribution to the quality of life experienced by local residents.

These projects and services support the Council's priorities set out in the Bromley 2020 Vision, and Building a Better Bromley, for :

- A Quality Environment
- **Regeneration**
- **Vibrant, Thriving Town Centres**
- Supporting our Children and Young People
- Supporting Independence
- Safer Bromley
- Healthy Bromley

The Renewal & Recreation Portfolio's key responsibility is that the borough remains a vibrant and thriving place through a programme of regeneration and town centre development. We will ensure that our town centres are successful through a combination of sensitive planning and major private sector investment. We aim to make the London Borough of Bromley a place where people choose to live, work and shop.

We will be working towards three strategic outcomes for 2015/16 which will focus our efforts in delivering our key priorities:

1. Vibrant, thriving town centres
2. Protection, conservation and enhancement of the natural and built environment
3. Enhanced opportunities for leisure, cultural activities and community led services.

The Portfolio's key priorities and strategic outcomes must be considered in the context of the Council's commitment to secure value for money and efficiency in challenging financial circumstances.

The Government's plans to tackle the national debt mean that the Council, like all local authorities, must play its part. Bromley must find £60million of savings and efficiencies from its annual budget by 2017/18, whilst continuing to deliver projects and services that local people want and need.

The Renewal & Recreation Portfolio will continue to take a creative and enterprising approach to its work to reduce pressure on the Council's budgets. We are pleased that we are able to continue to deliver innovative and complex improvements to the borough by attracting significant external investment.

The portfolio has a track record of delivering its programme of work efficiently. For example, in 2014/15, we:

- Made progress with the delivery of the Bromley Area Action Plan, completing the Bromley North Village Improvement Scheme, supported our development partner to submit a planning application for the development of Bromley Town Hall and agreed a revised development strategy for Churchill Place.
- Begun delivery of a £2.4m improvement scheme in Crystal Palace Park using funding secured from the Mayor of London. We also established a Community Grants Fund for park related projects.
- Agreed an outline scheme for improvements to Beckenham town centre
- Secured approval and funding for an Investment and Regeneration Programme in Biggin Hill and the Cray Business Corridor
- Brought forward progress of a mixed use development in central Orpington
- Published the new Local Plan and begun consultation with the local community.
- Developed and consulted on a new Library Strategy for the future of the library service

In 2015/16 we will build on this record to:

- **Attract private sector investment to increase the vitality of our town centres.** For example, in Bromley we will develop plans for a residential-led mixed use development at Churchill Place, support our development partner to open Bromley South Central to the public, and review private sector development potential at the Civic Centre site.
- **Attract further external funding to bring about long term benefits to public spaces and local infrastructure.** This includes public realm and town centre improvement schemes in all major town centres: Bromley, Beckenham, Orpington and Penge, and working with Network Rail in Bromley to consider options for both Bromley North and Bromley South stations to increase capacity.
- **Explore different approaches to management of cultural assets and recreational services to sustain their future, working with communities.** For example, we will support businesses in Bromley to establish a Business Improvement District, giving local businesses direct say about the management of their town centre. We will also work with the community at Crystal Palace to establish a new form of governance and a sustainable business model for Crystal Palace Park.

- **Encourage new developments to support economic growth in the borough’s key business areas.** For example, at Biggin Hill we will develop infrastructure and investment plans to determine what steps to take to generate business growth. We will test the feasibility of an Aviation Training and Enterprise Centre adjacent to Biggin Hill Airport, and we will progress plans for Biggin Hill Memorial Museum, using £1million donated by HM Treasury and section 106 funds assigned for this purpose.
- **Secure the quality of our borough and identify regeneration potential** by consulting on and submitting the new Local Plan to the Secretary of State for consideration.

Although the portfolio leads on several projects and services, it will continue to take an active role in supporting the delivery and success of Council wide projects and initiatives, particularly those designed to reduce the Council’s operating costs whilst maintaining good quality public services.

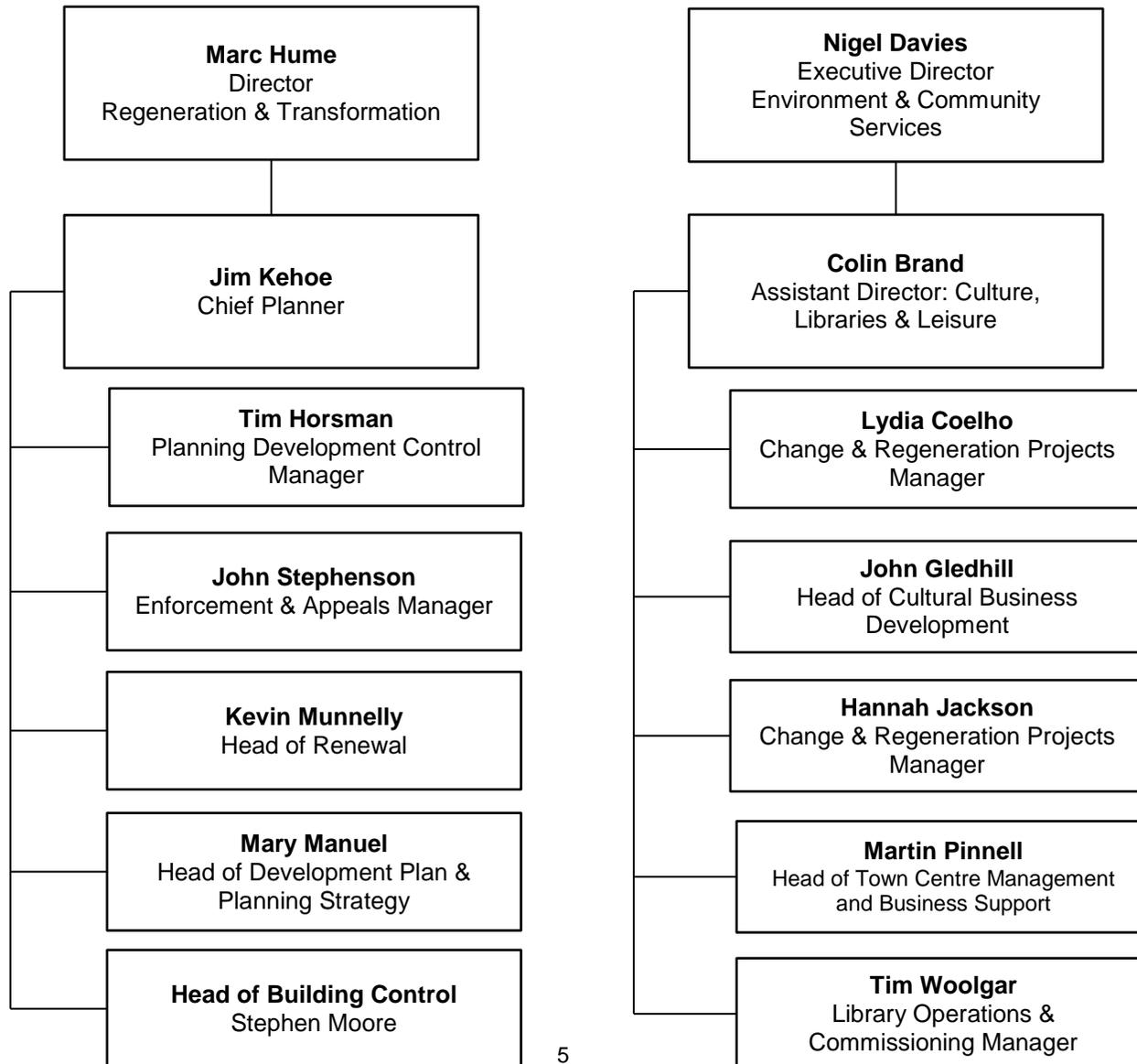
This Portfolio Plan sets out how we will achieve our key priority and strategic outcomes for 2015/16.

Progress on actions identified for delivery during 2015/16 will be reported to the Renewal & Recreation Policy Development and Scrutiny Committee and Portfolio Holder throughout the year in individual project or service specific reports at the relevant key milestones. A summary report on overall achievement will be provided at the end of 2015/16 for review and scrutiny.

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Portfolio Structure Chart: Lead Officers



Vibrant, Thriving Town Centres

The vitality of the Council's town centres is essential to making the borough a place where people choose to live, work and shop. Vibrant thriving town centres create business growth, economic wellbeing and employment opportunities.

The Council will work with development partners to bring forward new and innovative development schemes and projects that provide a sense of identity to town centres, and that give local people pride in the places that they live and work.

The Council will look to utilise its planning power to promote and create balanced town centres

The Council will work with local retailers and businesses to protect their long term future and encourage people to use their visit, shop and stay in the borough's town centres.

Aim 1:	Support the vitality of Bromley town centre, including continued delivery of the Bromley Area Action Plan
By March 2016, we will have:	<p>Continue delivery of the Bromley Area Action Plan</p> <p>1.1 Draft a revised planning policy for Bromley North Station (Site A), re-engage development partners (Network Rail) and draft the Heads of Terms for a development agreement.</p> <p>1.2 Marketed and begun disposal of Site B (corner of Tweedy Road and London Road).</p> <p>1.3 Support the development partner Cathedral Hotels Ltd to achieve planning consents and commence works on the former Town Hall (Site C).</p> <p>1.4 Completed a Masterplan to inform development options for Bromley Civic Centre (Site F)</p>

	<p>1.5 As per the revised development strategy for Churchill Place (Site G), explore options for a residential led mixed use scheme for this location. We will have submitted a Housing Zone bid to secure funds from the Mayor of London and HM Treasury to support subsidising land purchase and infrastructure development to unlock growth. If this is successful, we will begin work on the tender documents designed to secure a development partner for this site.</p> <p>1.6 Work with Network Rail to examine future development and capacity options for Bromley South Station (Site J)</p> <p>1.7 Finalised and delivered the public realm and public arts scheme for Bromley South Central/Westmoreland Road (Site K) to enable the new development to open.</p> <p>Deliver other improvements to Bromley Town Centre</p> <p>1.8 Begun work on public realm improvements to the central pedestrian area of Bromley town centre</p> <p>1.9 Complete a review of the operation, configuration and location of existing town centre markets and seek investment to ensure that market facilities are fit for purpose and attracts additional footfall and spend into the town. The recommendations from the review will be implemented in 2016/17</p> <p>1.10 Establish a Business Improvement District for Bromley, should there be a successful ballot in November 2015.</p>
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<p>Performance Measures:</p>	<p>1.1 - Project milestones as set out above are achieved. 1.4</p> <p>1.5 The Housing Zone bid is successful. The community are engaged in development workshops to inform the brief which will be used to secure a development partner.</p> <p>1.6 - Project milestones as set out above are achieved. 1.7</p> <p>1.8 The design team are commissioned and produce an outline design which is the subject of consultation. Funding is secured from the Council's Executive to work up the detailed design scheme.</p> <p>1.9 Seek approval from the Council to draw down investment to redesign the market areas in Autumn 2015.</p> <p>1.10 A successful ballot in November 2015 in which businesses vote to establish a Business Improvement District. Agreements are finalised and systems are in place to enable the new Business Improvement District to collect their levy.</p>
<p>Delivery Risks:</p>	<p>1.1 and 1.6</p> <p>1.2 Market conditions will influence the ability of the Council to dispose of properties (Site B)</p> <p>1.3 The development partner chooses to depart from planning advice and therefore consents are not achieved. Delays to the programme may prevent work from commencing on site.</p> <p>1.5 If the Housing Zone bid is unsuccessful the project will not advance and the project for Churchill Place (Site G) will have to be postponed until the next development cycle.</p>

	<p>1.8 Stakeholders do not support the proposals. The Council decide not the fund the detailed design scheme. Delays to the programme occur due to unforeseen complexities (such as the configuration of services).</p> <p>1.9 The Council decides not to pursue the investment opportunity for town centre markets. Market traders and/or the wider community oppose the plans.</p> <p>1.10 The ballot for a Business Improvement District is unsuccessful. The Working Group of local businesses leading the project decides not to proceed with their plans for a Business Improvement District. The Council decides to veto the Business Improvement District on the basis of legally defined objections.</p>
Lead Officers:	<p>1.1 - Kevin Munnelly 1.8 1.8 - Martin Pinnell 1.10</p>
Resources	<p>Investment Fund Growth Fund Section 106 monies Mayor of London Town Centre Development Fund LPSA Housing Zone funding (if application is successful).</p>

Aim 2:	Support and develop the vitality of Beckenham
By March 2016, we will have:	<p>2.1 Secured outline design approval for the public realm improvements in Beckenham town centre to enable completion of the detailed design. We will also have begun procurement of a contractor to implement improvements during 2016/17. We will have engaged with local businesses to ensure the workability of the scheme.</p> <p>2.2 Supported Copers Cope Residents Association to utilise £47k of section 106 monies to make improvements to Beckenham Green including improved facilities to enable events and markets to make use of the location.</p> <p>2.3 Supported the Beckenham Town Centre Team to deliver improvements to alleyways in Beckenham town centre utilising funding from the Mayor of London.</p> <p>2.4 Achieved the Purple Flag Award for Beckenham, which is a night time economy standard to ensure a quality night time environment.</p>
Performance Measures:	<p>2.1 A successful review of the overall design and cost plan for the public realm scheme. Successful re-negotiation of the funding support to be provided by the Mayor of London and Transport for London in light of cost increases caused by expansion of the scope of the scheme. Businesses feel that they have been appropriately consulted and engaged with the design of the public realm improvements.</p> <p>2.2 Improved facilities are used and events ad markets are held regularly at Beckenham Green.</p> <p>2.3 All alleyways are names, and three alleyways have been physically improved.</p> <p>2.4 A successful audit in autumn 2015 which results in the award being made.</p>

Delivery Risks:	<p>2.1 Funding is not secured from Transport for London or the Mayor of London. Design issues arise due to the topography of the site – this risk will be minimised by the completion of survey work. Programme delays are caused by unforeseen issues. Businesses dislike or oppose the proposed changes.</p> <p>2.2 Copers Cope Resident’s Association lack the organisational capacity to deliver to demand. The costs of the project might be higher than anticipated so fewer improvements than anticipated are delivered.</p> <p>2.3 The Beckenham Town Centre Team lack the organisational capacity to deliver the project. Costs are higher than anticipated. Legal complications create delays because alleyways are not publicly owned and therefore agreements with Landlords and adjacent Landlords will need to be secured so that improvement works can go ahead.</p> <p>2.4 The Purple Flag audit is unsuccessful and additional resources are required to achieve the quality standard. Buy in from partners is not achieved.</p>
Lead Officers:	<p>2.1 Kevin Munnely</p> <p>2.2- Martin Pinnell</p> <p>2.4</p>
Resources	<p>Transport for London Section 106 monies Mayor of London</p>

Aim 3:	Support and develop the vitality of Orpington
By March 2016, we will have:	<p>3.1 Secured funding through a New Homes Development Bid for public realm improvements for Walnuts Square area. We will have supported the developer to complete the cinema development and integrated this development into the overall design for public realm improvements.</p> <p>3.2 Established a programme of business support for businesses in Orpington based on the funding agreement for the New Homes Bonus, for delivery by the Business Improvement District (Orpington 1st) in 2015/16 and 2016/17.</p> <p>3.3 Established an improved market offer on Orpington High Street using £25k of funding provided by the New High Streets Fund</p>
Performance Measures:	<p>3.1 Commission the design team for the public realm improvements. The design is completed and approved. A contractor is procured and development commences on site.</p> <p>3.2 Businesses are accessing the support provided. Support will include workshops, mentoring and support to be part of the digital high street agenda.</p>
Delivery Risks:	<p>3.1 Not all stakeholders agree to the overall design scheme. It is not possible to procure a contractor within budget due to forecasted construction cost price inflation pressures.</p> <p>3.2 Orpington 1st for not have sufficient capacity to deliver the full programme as intended. To mitigate this risk, Orpington 1st has been fully engaged in the scoping of the work so that they are fully aware of the potential commitments. Some of the funding will be used to give them the capacity to deliver the programme. The programme does not match up with the needs of businesses. To avoid this, we will engage with a representative sample of businesses during the scoping of the support.</p>
Lead Officers:	Kevin Munnelly Martin Pinnell

Resources	Planning budgets High Streets Fund New Homes Bonus
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Aim 4:	Support and develop the vitality of Penge
By March 2016, we will have:	<p>4.1 Engaged design consultants to design an improvement scheme for shop fronts and begun delivery of improvements, which are to be completed in 2016/17. This project is being funded by the New Homes Bonus fund.</p> <p>4.2 Commissioned design consultants to develop the outline plan for improved way finding and public realm improvements in Penge town centre. This project is being funded by the New Homes Bonus fund.</p>
Performance Measures:	4.1 Stakeholders are consulted and approve of the shop front improvement scheme and outline plan for way finding and public realm improvements. Contractors for the delivery of the shop front improvements are appointed and delivery commences. 4.2
Delivery Risks:	4.1 Failure to engage with stakeholders result in a lack of support. Costs increase due to cost price and inflation 4.2
Lead Officers:	Kevin Munnelly
Resources	New Homes Bonus

Aim 5:	Promote business investment and development in the borough's key commercial and industrial areas and employment priority zones.
By March 2016, we will have:	<p>5.1 Developed infrastructure and investment plans for Biggin Hill and the Cray Business Corridor. These plans will identify what steps the Council should take to generate business growth in these areas and engage with land owners to determine a strategy and supporting infrastructure required to implement the recommendations.</p> <p>5.2 Undertaken feasibility investigations and business planning for an Aviation Training and Enterprise Centre at Biggin Hill in partnership with the Greater London Authority, Local Enterprise Partnership, Bromley College, Biggin Hill Airport and the Locate Partnership.</p>
Performance Measures:	<p>5.1 Recruit three new posts to develop these plans. The plans are adopted by the Council by the end of 2015. Work is progressed on securing sites for development.</p> <p>5.2 A Business Plan is completed and a site for the Centre is identified by March 2016.</p>
Delivery Risks:	<p>5.1 The Council are not the landowners in these two areas. It is possible that the land owners will decide not to fully engage with or support the infrastructure and investment plans, or do not wish to enter into a development agreement with the Council.</p> <p>5.2 It is not possible to acquire the site for the Centre or no viable business case can be developed because, for example, there is a lack in demand.</p>
Lead Officers:	Kevin Munnelly
Resources	New Homes Bonus Growth Fund

Protection, conservation and enhancement of the natural and built environment

The Council has a responsibility to protect and enhance the character of the borough.

Our key initiative in 2015/16 will be to progress work on a new Local Plan which will establish the vision, key objectives and spatial strategy for future development in the borough and include policies and site allocations. An Infrastructure Delivery Plan will be produced alongside the Local Plan indicating the delivery of infrastructure required to support the Local Plan. The Local Plan, together with the Mayor of London's London Plan will form the Development Plan for the borough. The Local Plan will guide development over for the period to 2031.

The Council will also undertake preparatory work for a Charging Schedule to enable a Community Infrastructure Levy for Bromley, in compliance with the Community Infrastructure Levy Regulations 2010 for infrastructure provision to support growth in the Borough. Alongside this will be the preparation of a revised Supplementary Planning Document Planning Obligations incorporating the Supplementary Planning Document on Affordable Housing

The Council will seek to ensure that it provides an effective planning service for the residents of the borough by providing efficient planning application and building control services.

Aim 6:	Prepare an up to date Local Plan setting out policies for development in the borough over the next 15 years
By March 2016, we will have:	<p>6.1 Consulted on potential draft site allocations for the Local Plan and reported responses to Members for consideration.</p> <p>6.2 Prepared a Draft Local Plan for formal Regulation 19 consultation. Following consultation, we will submit the draft Local Plan to the Secretary of State for consideration.</p> <p>6.3 Prepare an Infrastructure Delivery Plan identifying the infrastructure required to deliver the growth and vision in the Local Plan</p>

Performance Measures:	<p>6.1 Consultation potential draft allocations as part of the Local Plan Summer 2015 Outcome of consultation is reported to Development Control Committee and the Executive in Autumn 2015</p> <p>6.2 Draft Local Plan is published for formal consultation early 2016 and submitted to the Secretary of State following consultation</p> <p>6.3 Draft Infrastructure Delivery Plan is published alongside the Draft Local Plan</p>
Delivery Risks:	<p>6.1 New policy guidance is published by Central government/Mayor or London part way through preparation of the Local Plan which results in delays or further changes being required. Despite our duty to cooperate, it is difficult to engage other authorities in the production of the plan.</p> <p>6.3 Response to consultation of site allocations may require further assessment and consideration causing potential delays Once submitted to the Secretary of State the timescale for progress is outside the Council's remit and dependent on the capacity of the Planning Inspectorate to examine the Draft Local Plan on behalf of the Secretary of State. Change in market conditions means that the Council must undertake new or additional research. That Council departments, partners and other infrastructure providers do not provide information in time or at all for the Infrastructure Delivery Plan, or information to justify the 'funding gap' required for a local Community Infrastructure Levy</p>
Lead Officers:	Mary Manuel
Resources:	Existing Planning revenue budgets

Aim 7:	Develop a Bromley Community Infrastructure Levy (CIL)
By March 2016, we will have:	<p>7.1 Undertaken viability work in relation to the potential Bromley CIL</p> <p>7.2 Published and consulted on a Preliminary Draft Charging Schedule and a Regulation 123 Infrastructure List. Prepared a draft revised Supplementary Planning Documents Planning Obligations incorporating the Affordable Housing Supplementary Planning Document.</p>
Performance Measures:	<p>7.1 A preliminary draft Charging Schedule to be considered by Executive for consultation September 2015</p> <p>7.2 Draft Charging Schedule agreed for consultation early 2016</p>
Delivery Risks:	<p>7.1 Changes in market conditions result in viability work being delayed or inaccurate. Challenge to the Preliminary Draft Charging Schedule or Draft Charging Schedule requiring further work and consultation pre-submission.</p> <p>7.2 Changes to the emerging Local Plan requiring further viability work. The Infrastructure Development Plan is not prepared in time or does not identify a funding gap required to justify local Community Infrastructure Levy. Consultation is frustrated by fatigue among communities who feel over-consulted. Delays are caused by the capacity of the Planning Inspectorate to examine the Council's proposals.</p>
Lead Officer:	Mary Manuel
Resources	Existing Planning revenue budgets

Aim 8:	Ensure the ongoing effectiveness of planning regulatory functions
By March 2016, we will have:	<p>8.1 Made considered determinations of planning applications within a reasonable period of time, acknowledging national targets whilst focussing on delivering a quality outcome for the borough</p> <p>8.2 Protected tress, listed buildings and conservation areas in the borough</p>
Performance Measures:	<p>8.1 Determined 60% of major applications within 13 weeks of receipt Determined 65% of minor applications within 13 weeks of receipt Determine 80% of other applications within 8 weeks of receipt</p> <p>8.2 Respond to requests for Tree Preservation Orders, Listed Building Orders and Conservation Area Designations.</p>
Delivery Risks:	8.1. Large numbers of complex planning applications are submitted which require review concurrently, putting pressure on staff resources. Delays are caused by the need for additional information
Lead Officers:	Jim Kehoe
Resources	Existing planning revenue budgets

Enhance opportunities for leisure, cultural activities and community led services

Leisure, culture and recreation are essential tools for creating a sense of place and community, and play an important role in residents' quality of life. However, in the face of the Council's financial challenges, we must think creatively about how we can continue to provide services and improvement projects to cultural and community assets. Exploring opportunities for community management of services and assets, and attracting external funding to invest in the borough's heritage will enable residents' to continue to enjoy their recreational time in the borough.

Aim 9:	To implement the 2014 library strategy to consider new ways of delivering library services in challenging financial circumstances	
By March 2016, we will have:	9.1	Selected community management partners to deliver library services at up to six community libraries, which include Burnt Ash, Hayes, Mottingham, Shortlands, Southborough and St Paul's Cray.
	9.2	Completed soft market testing of the whole library service in partnership with the London Borough of Bexley. Depending on the outcome of this exercise, the Council's Executive committee will be asked to decide if they should undertake a tender process to jointly commission library services with Bexley. Should they take a decision to go ahead, we will have begun a tender process to identify a delivery partner.
	9.3	Explore options for the upgrade and re-development of library facilities, as identified in the Library Strategy 2014.

<p>Performance Measures:</p>	<p>9.1 Community organisations are supported to submit appropriate community management proposals. The opportunity is widely advertised. Registrations of interest are received and evaluated by the end of July 2015. Invitations to submit a business plan are issued in summer 2015. An update report is provided at the September meeting of the Renewal & Recreation Committee. Recommendations for community management are made in winter 2015.</p> <p>9.2 Issue a soft market testing questionnaire, the responses to which enable the Council to make an informed decision about the potential commissioning of the service. Consultation with the public is carried out to support the Council's decision making process. A report is taken to the Council's Executive Committee in autumn 2015. Should the Council decide to go ahead with a commissioning approach, the tender process should be designed to allow for negotiation and flexibility to secure value for money.</p> <p>9.3 Market Chislehurst Library for redevelopment, to bring forward a mixed development proposal to include retail, residential and new library facilities. Report the market response to the July meeting of the Council's Executive Committee.</p>
<p>Delivery Risks:</p>	<p>9.1 Community organisations are not forthcoming and do not wish to provide library services at community libraries. Community organisations who are interested do not submit acceptable and financially viable proposals, or require a too much financial support from the Council to make their proposal tenable. The wider community object to community management arrangements. Investigations on the condition of the library assets to be transferred for community management reveal that a significant level of capital investment is required to the building to enable library services to be delivered from that location. Programme delays are caused by issues relating to IT infrastructure issues at libraries.</p> <p>9.2 The soft market testing reveals that the market is not able to deliver adequate efficiencies and savings to enable continued delivery of library services as they are currently available.</p> <p>9.3 Risks include a lack of market interest, that the scheme proposed is not compliant with planning requirements, or there is a change in market conditions which affect the viability of the development.</p>

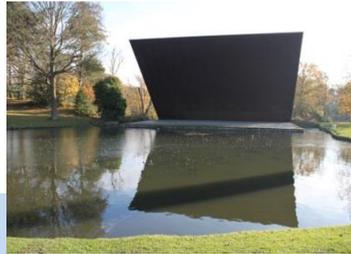
Lead Officers:	9.1 Tim Woolgar – Hannah Jackson 9.3 Colin Brand
Resources	Existing revenue budgets The Council's corporate commissioning budget

Aim 10:	Develop the borough's cultural offer
By March 2016, we will have:	<p>10.1 Progressed plans for a new form of governance with a sustainable business model to manage Crystal Palace Park</p> <p>10.2 Commenced delivery on site of £2.4million Improvement Scheme in Crystal Palace Park, including the delivery of capital projects and a Community Grants programme.</p> <p>10.3 Relocated local history exhibitions to Central Library improving exhibitions and increasing access.</p> <p>10.4 Completed feasibility works and appointed architects to develop plans for a new Memorial Museum at Biggin Hill</p>

<p>Performance Measures:</p>	<p>10.1 Consultants are appointed and have begun work to develop a deliverable regeneration plan for Crystal Palace Park which intends to bring to fruition aspects of the Masterplan to create a sustainable business model for the park. A project team will be appointed to begin work to establish a new form of governance, including the development of a business plan. Stakeholders are engaged at every stage of the process and have the opportunity to lead on aspects of the project. The complexities of the site are adequately considered, supported by close partnership working with the Greater London Authority, English Heritage and Transport for London.</p> <p>10.2 Milestones for capital improvements are achieved: RIBA Stage 4 is completed by November 2015, and works begin on site by March 2016.</p> <p>10.3 A new exhibition is installed by March 2016. Feedback from visitors is positive and the exhibitions are rated excellent by at least 50% of visitors.</p> <p>10.4 An achievable and inspiring scheme is developed by architects ready for tender action, and a sustainable business model is developed for the museum by March 2016.</p>
<p>Delivery Risks:</p>	<p>10.1 Stakeholders and the wider community do not agree with aspects of the new governance model or regeneration plan. The complexities of this work are underestimated causing delays to the programme. There are unforeseen delays recruiting or procuring the project team.</p> <p>10.2 Delays to programme caused by procurement of contractors. Detailed costs are higher than were anticipated at the feasibility stage. It is not possible to engage a new café operator. Bids to the Community Grants Fund are not forthcoming, are inappropriate, or do not produce the desired outcomes for the fund.</p> <p>10.3 Stakeholders oppose plans to relocate exhibitions. The community do not agree with the objects chosen for exhibition. Delays are caused to installation due to library usage patterns.</p> <p>10.4 Stakeholders fail to engage with or oppose plans for the new museum.</p>

Lead Officer:	10.1- Lydia Coelho 10.4 10.1 Hannah Jackson
Resources	10.1 Capital programme 10.2 Allocated funds from the Mayor of London and the Council's capital programme 10.3 Capital programme 10.4 £1m funding from HM Treasury, section 106 monies

Aim 11:	Enhance the borough's leisure facilities
By March 2016, we will have:	<p>11.1 Awarded a 25 year management contract for the operation and management of the Churchill Theatre</p> <p>11.2 Identified a suitable developer and awarded a contract for a mixed use development to include a community hub, housing and public realm work and a new gymnastics centre at Chipperfield Road, St Paul's Cray.</p> <p>11.3 Agreed a lease for Blackheath and Bromley Harriers to undertake the management and maintenance of Norman Park Athletics Track.</p>
Performance Measures:	<p>11.1 Undertake a successful market tender for a new 25 year contract. The Contractor must provide a high quality programme at the Theatre with a minimum and sustainable financial contribution from the Council.</p> <p>11.2 A developer is engaged who will, as part of the proposed development, provide: a new gymnastics centre, library, community resource centre, adequate car parking, public realm improvements, a new linear park and 200 residential units.</p> <p>11.3 Viable development options are presented and business plans approved. A new lease is drawn up and agreed.</p>
Delivery Risks:	<p>11.1 No suitable tenders are received. Tendered prices are too high. Tenders are regarded as not financially viable, of high risk, or do not deliver a high quality service.</p> <p>11.2 A suitable developer cannot be found. The proposed scheme is not financially viable or fails to comply with planning recommendations.</p> <p>11.3 Blackheath and Bromley Harriers decide to continue with their current arrangement and not to proceed with their proposals, or their proposals are not financially viable or compliant with planning considerations. New lease arrangements between the Council and Blackheath and Bromley Harriers cannot be agreed.</p>
Lead Officers:	John Gledhill
Resources	Existing Culture & Leisure budgets



Renewal & Recreation

PORTFOLIO PLAN 2016/17

A Vibrant Thriving Borough

Foreword

Projects and services delivered under the Renewal & Recreation Portfolio make a vital contribution to the quality of life experienced by local residents.

These projects and services support the Council's priorities set out in the Bromley 2020 Vision, and Building a Better Bromley, for :

- A Quality Environment
- **Regeneration**
- **Vibrant, Thriving Town Centres**
- Supporting our Children and Young People
- Supporting Independence
- Safer Bromley
- Healthy Bromley

The Renewal & Recreation Portfolio's key responsibility is that the borough remains a vibrant and thriving place through a programme of regeneration and town centre development. We will ensure that our town centres are successful through a combination of sensitive planning and major private sector investment. We aim to make the London Borough of Bromley a place where people choose to live, work and shop.

We will be working towards three strategic outcomes for 2016/17 which will focus our efforts in delivering our key priorities:

1. Economic development
2. Protection, conservation and enhancement of the natural and built environment
3. Enhanced opportunities for leisure, cultural activities and community led services.

The Portfolio's key priorities and strategic outcomes must be considered in the context of the Council's commitment to secure value for money and efficiency in challenging financial circumstances.

The Government's plans to tackle the national debt mean that the Council, like all local authorities, must play its part. Bromley must continue to find significant savings and efficiencies from its annual budget whilst delivering projects and services that local people want and need.

The Renewal & Recreation Portfolio will take a creative and enterprising approach to its work to reduce pressure on the Council's budgets. We are pleased that we are able to continue to deliver innovative and complex improvements to the borough by attracting significant external investment.

The portfolio has a track record of delivering its programme of work efficiently. For example, in 2015/16, we have:

- Supported a successful ballot to establish a Business Improvement District in Bromley, giving local businesses direct say about the management of their town centre.
- Formally established the Biggin Hill Memorial Museum Trust to oversee the development of plan (including business planning) for Biggin Hill Memorial Museum and appointed architects who have completed design works to RIBA Stage 2.
- Secured funding from Housing Zone to support the development of Churchill Place (Site G).
- Appointed specialists to work with the Crystal Palace Park Management Board to develop a Regeneration Plan for Crystal Palace Park.
- Delivered a programme of business support funded by the New Homes Bonus in Orpington.
- Agreed a development partner for Chislehurst Library.
- Finished the delivery of the Local Shopping Parades Initiative affecting improvements in 10 shopping parades across the borough.

In 2016/17 we will build on this record to:

- **Attract private sector investment to increase the vitality of our town centres.** For example, in Bromley we will secure a development partner to deliver a residential led mixed use scheme at Churchill Place, in Chislehurst we will work with our development partner to bring forward a mixed development proposal to deliver retail and residential opportunities and a new library, and we will work with a developer to bring forward industrial development in the Cray Valley Business Corridor.
- **Attract further external funding to bring about long term benefits to public spaces and local infrastructure.** This includes public realm and town centre improvement schemes in Bromley, Beckenham, and Penge, and working with Network Rail in Bromley to consider options for both Bromley North and Bromley South stations to increase capacity.
- **Explore different approaches to management of cultural assets and recreational services to sustain their future, working with communities.** We will undertake feasibility studies for Business Improvement Districts in Beckenham and Penge, giving businesses control over decisions affecting their town centres. We will also undertake business planning to support the creation of a community-led governance model for Crystal Palace Park and will work with the community to explore options for community management at community libraries.

- **Encourage new developments to support economic growth in the borough’s key business areas.** For example, at Biggin Hill we will develop a capacity masterplan to determine what steps to take to generate business growth. We will undertake business planning for an Aviation Training and Enterprise Centre adjacent to Biggin Hill Airport, and we will progress plans for Biggin Hill Memorial Museum, using monies secured from the Treasury and section 106 to lever in additional grant funding.
- **Secure the quality of our borough and identify regeneration potential** by consulting on and submitting the new Local Plan to the Secretary of State for consideration.

Although the portfolio leads on several projects and services, it will continue to take an active role in supporting the delivery and success of Council wide projects and initiatives, particularly those designed to reduce the Council’s operating costs whilst maintaining good quality public services.

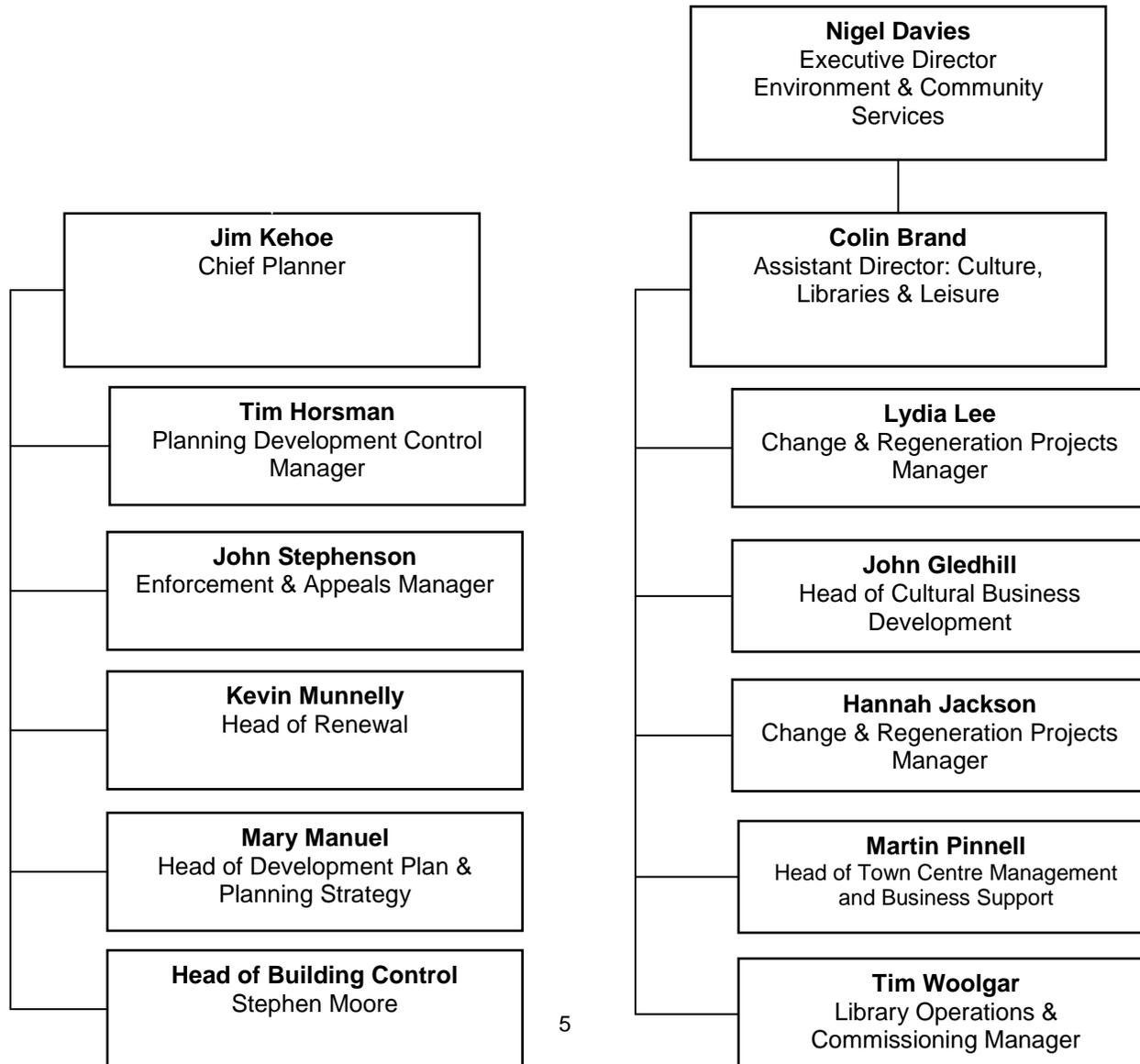
This Portfolio Plan sets out how we will achieve our key priority and strategic outcomes for 2016/17.

Progress on actions identified for delivery during 2015/16 will be reported to the Renewal & Recreation Policy Development and Scrutiny Committee and Portfolio Holder throughout the year in individual project or service specific reports at the relevant key milestones. A summary report on overall achievement will be provided at the end of 2016/17 for review and scrutiny.

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Portfolio Structure Chart: Lead Officers



Outcome 1: Economic Development

The vitality of the Council's town centres is essential to making the borough a place where people choose to live, work and shop. Vibrant thriving town centres create business growth, economic wellbeing and employment opportunities.

The Council will work with development partners to bring forward new and innovative development schemes and projects that provide a sense of identity for town centres, and that give local people pride in the places that they live and work.

The Council will look to utilise its planning power to promote and create balanced town centres.

The Council will explore ways to secure economic growth, work with local retailers and businesses to protect their long term future and encourage people to visit, shop and stay in the borough's town centres.

Aim 1:	Support the vitality of Bromley town centre, including continued delivery of the Bromley Area Action Plan
By March 2017, we will have:	<p>Continue delivery of the Bromley Area Action Plan</p> <p>1.1 Adopted a planning policy for Bromley North Station (Site A) and agreed a development scheme with Network Rail and Prime Place before securing a resolution from the Executive Committee to enter into a development agreement.</p> <p>1.2 Disposed of Site B (corner of Tweedy Road and London Road) for residential development.</p> <p>1.3 Secured a development partner for Churchill Place (Site G) to deliver the next phase of a residential led mixed use scheme in this location. Following a successful application for Housing Zone funding to the Mayor of London and HM Treasury in 2015/16, we will confirm the funding agreement which will be subsidising the land purchase and funding infrastructure development.</p> <p>1.4 Work with Network Rail to examine future development and capacity options for Bromley South Station (Site J)</p>

	<p>1.5 Deliver other improvements to Bromley Town Centre</p> <p>1.6 Produced a detailed scheme for public realm improvements to the central pedestrian area of Bromley town centre and appointed a term contractor to commence delivery.</p> <p>1.7 Completed a review of the operation, configuration and location of existing town centre markets and seek investment to ensure that market facilities are fit for purpose and attracts additional footfall and spend into the town, to complement the improved public realm.</p>
Delivery Risks:	<p>A change in market conditions affects the deliverability of the projects or proposals. Unsecured funding is not secured. Stakeholders do not support proposals.</p>
Lead Officers:	<p>Kevin Munnelly Martin Pinnell</p>
Resources	<p>Investment Fund Growth Fund Mayor of London Housing Zone funding</p>

Aim 2:	Support and develop the vitality of Beckenham
By March 2017, we will have:	<p>2.1 Appointed a contractor to commence work on site to deliver public realm improvements in Beckenham town centre. We will have sought final sign off on the detailed designs and confirmed funding with the Council's Executive Committee and Transport for London and the Mayor of London.</p> <p>2.2 Completed the feasibility stage for the proposed Beckenham Business Improvement District, subject to the results of the feasibility study we will have established a stakeholder working group and commissioned work on developing and promoting a Business Improvement District for the town centre with a view to a ballot in autumn 2017.</p>
Delivery Risks:	<p>2.1 Funding is not secured from Transport for London or the Mayor of London. The Council's Executive Committee do not sign off the detailed designs and further work is required to come up with a scheme which meets their requirements, causing delays to the programme and impacting the budget.</p> <p>2.2 There is insufficient support from local businesses to enable the formation and functioning of an effective Business Improvement District working group.</p>
Lead Officers:	<p>2.1 Kevin Munnelly</p> <p>2.2 Martin Pinnell</p>
Resources	<p>Transport for London Capital receipts Mayor of London</p>

Aim 3:	Support and develop the vitality of Orpington
By March 2017, we will have:	<p>3.1 Completed public realm improvements for the Walnuts Square Area.</p> <p>3.2 Commissioned a development capacity study for Orpington to inform a regeneration strategy for the town.</p> <p>3.3 Completed delivery of a programme of business support and place shaping to encourage business development in Orpington based on the funding agreement for the New Homes Bonus, for delivery by the Business Improvement District (Orpington 1st) in 2016/17. This will include mentoring, workshops and opening a pop-up shop.</p>
Delivery Risks:	<p>3.1 Section 106 payments are not made. The works contractor defaults.</p> <p>3.2 Stakeholders do not support proposals. A change in market conditions affects the ability to appoint the right specialists to undertake the development capacity study.</p> <p>3.3 Orpington 1st does not have sufficient capacity to deliver the full programme, including the feasibility study, as intended. To mitigate this risk, Orpington 1st has been fully engaged in the scoping of the work so that they are fully aware of the potential commitments. Some of the funding will be used to give them the capacity to deliver the programme. No suitable vacant properties within the town centre become available for use as a pop up shop.</p>
Lead Officers:	Kevin Munnelly Martin Pinnell
Resources	Planning budgets New Homes Bonus Section 106

Aim 4:	Support and develop the vitality of Penge and the borough's smaller town centres
By March 2017, we will have:	<p>4.1 Completed the delivery of an improvement scheme for shop fronts. This project is being funded by the New Homes Bonus fund.</p> <p>4.2 Implemented improved way finding and public realm improvements in Penge town centre.</p> <p>4.3 Commissioned and delivered a programme of business support for businesses in Penge based on the funding agreement for the New Homes Bonus.</p> <p>4.4 Completed the feasibility stage for a proposed Business Improvement District in Penge, subject to the outcome of the feasibility study we will have established a stakeholder working group and commissioned work on developing and promoting a Business Improvement District in the town centre with a view to ballot in autumn 2017.</p> <p>4.5 Delivered the second phase of improvements to Local Shopping parades following the submission of applications from local residents and businesses through their ward councillors.</p>
Delivery Risks:	<p>4.1 Failure to engage with stakeholders result in a lack of support. The works contractor defaults.</p> <p>-</p> <p>4.2</p> <p>4.3 Take up by businesses is low and benefits are not realised. Research into business needs and areas for improvement has been undertaken in advance of commissioning the project to ensure relevance to local businesses is high</p> <p>4.4 There is insufficient support from local businesses to enable the formation and functioning of an effective Business Improvement District working group for Penge.</p>
Lead Officers:	Kevin Munnelly Martin Pinnell
Resources	New Homes Bonus

Aim 5:	Promote business investment and development in the borough's key commercial and industrial areas and employment priority zones.
By March 2017, we will have:	<p>5.1 Completed a capacity masterplan for Biggin Hill. Following the completion of infrastructure and investments plans in 2015/16, this masterplan will inform a land purchase for an Aviation Training and Enterprise Centre. We will have also undertaken preliminary development work and will have produced a business plan for the Centre in partnership with the Greater London Authority, Local Enterprise Partnership, Bromley College, Biggin Hill Airport and the LoCATE Partnership. Additionally we will make a bid to the Regeneration Fund to support the land purchase costs.</p> <p>5.2 Set up a joint venture company with an industrial developer to deliver development floor space options for the Cray Valley Business Corridor.</p> <p>5.3 Explored the feasibility of an enterprise centre in Central Library, Bromley and have reported the outcome to the Council's Executive Committee. If the enterprise centre is feasible, we will seek authorisation to lease space in the Central Library for this purpose and will make an application for funding to the Mayor of London's Regeneration Fund for fit out costs.</p>
Delivery Risks:	<p>5.1 The Council are not the landowners in Biggin Hill and the Cray Valley Business Corridor. It is possible that the land owners will decide not to fully engage with or support proposals and therefore it is not possible to acquire the relevant sites.</p> <p>5.2 It is not possible to develop a viable business plan for an Aviation, Training and Enterprise Centre because, for example, there is a lack in demand.</p> <p>5.3 The applications to the Mayor of London's Regeneration Fund are unsuccessful.</p>
Lead Officers:	Kevin Munnelly
Resources	New Homes Bonus Growth Fund

Outcome 2: Protection, conservation and enhancement of the natural and built environment

The Council has a responsibility to protect and enhance the character of the borough.

Our key initiative in 2015/16 will be to progress work on a new Local Plan which will establish the vision, key objectives and spatial strategy for future development in the borough and include policies and site allocations. An Infrastructure Delivery Plan will be produced alongside the Local Plan indicating the delivery of infrastructure required to support the Local Plan. The Local Plan, together with the Mayor of London's London Plan will form the Development Plan for the borough. The Local Plan will guide development over for the period to 2031.

The Council will also undertake preparatory work for a Charging Schedule to enable a Community Infrastructure Levy for Bromley, in compliance with the Community Infrastructure Levy Regulations 2010 for infrastructure provision to support growth in the Borough.

The Council will seek to ensure that it provides an effective planning service for the residents of the borough by providing efficient planning application and building control services.

Aim 6:	Prepare an up to date Local Plan setting out policies for development in the borough over the next 15 years
By March 2017, we will have:	<p>6.1 Prepared a Draft Local Plan for formal Regulation 19 consultation. Following consultation, we will submit the draft Local Plan to the Secretary of State for consideration.</p> <p>6.2 Prepare an Infrastructure Delivery Plan identifying the infrastructure required to deliver the growth and vision in the Local Plan.</p>

Delivery Risks:	<p>New policy guidance is published by Central government or the Mayor or London part way through preparation of the Local Plan which results in delays or further changes being required.</p> <p>Despite our duty to cooperate, it is difficult to engage other authorities in the production of the plan.</p> <p>Response to consultation of site allocations may require further assessment and consideration causing potential delays. The Council may decide to make further changes and undertake further consultation prior to submission to the Secretary of State.</p> <p>Change in market conditions means that the Council must undertake new or additional research.</p> <p>Council departments, partners and other infrastructure providers do not provide information in time or at all for the Infrastructure Delivery Plan, or information to justify the 'funding gap' required for a local Community Infrastructure Levy.</p>
Lead Officers:	Mary Manuel
Resources:	Existing Planning revenue budgets

Aim 7:	Develop a Bromley Community Infrastructure Levy (CIL)
By March 2017, we will have:	<p>7.1 Undertaken viability work in relation to the potential Bromley Community Infrastructure Levy.</p> <p>7.2 Published and consulted on a Preliminary Draft Charging Schedule and a Regulation 123 Infrastructure List. Prepared a draft revised Supplementary Planning Documents Planning Obligations incorporating the Affordable Housing Supplementary Planning Document.</p>
Delivery Risks:	<p>7.1 Changes in market conditions result in viability work being delayed or inaccurate. Challenges in relation to the preliminary Draft Charging Schedule or Draft Charging Schedule requiring further work and consultation pre-submission.</p> <p>7.2 Housing and Planning Act 2016 implications and associated regulations and technical planning changes require further work and resources which cause delay.</p> <p>7.3 Changes are made to the emerging Local Plan requiring further viability work. The Infrastructure Development Plan is not prepared in time or does not identify a funding gap required to justify local Community Infrastructure Levy. Consultation is frustrated by fatigue among communities who feel over-consulted. Delays are caused by the capacity of the Planning Inspectorate to examine the Council's proposals.</p>
Lead Officer:	Mary Manuel
Resources	Existing Planning revenue budgets

Aim 8:	Ensure the ongoing effectiveness of planning regulatory functions
By March 2017, we will have:	<p>8.1 Made considered determinations of planning applications within a reasonable period of time, acknowledging national targets whilst focussing on delivering a quality outcome for the borough. We will have:</p> <ul style="list-style-type: none"> • Determined 60% of major applications within 13 weeks of receipt • Determined 65% of minor applications within 13 weeks of receipt • Determine 80% of other applications within 8 weeks of receipt <p>8.2 Protected trees, listed buildings and conservation areas in the borough</p>
Delivery Risks:	Large numbers of complex planning applications are submitted which require review concurrently, putting pressure on staff resources. Delays are caused by the need for additional information
Lead Officers:	Jim Kehoe
Resources	Existing planning revenue budgets

Outcome 3: Enhance opportunities for leisure, cultural activities and community led services

Leisure, culture and recreation are essential tools for creating a sense of place and community, and play an important role in residents' quality of life. However, in the face of the Council's financial challenges, we must think creatively about how we can continue to provide services and improvement projects to cultural and community assets. Exploring opportunities for community management of services and assets, and attracting external funding to invest in the borough's heritage will enable residents to continue to enjoy their recreational time in the borough.

Aim 9:	To implement the 2014 library strategy to consider new ways of delivering library services in challenging financial circumstances	
By March 2017, we will have:	9.1	Completed the application (tender) process to identify a community management partner at the borough's community libraries (Burnt Ash, Hayes, Mottingham, Shortlands, Southborough and St Paul's Cray) and reported the outcome to the Council's Executive Committee for a decision on whether or not to award a contract. If a contract is awarded, we will have begun working with the successful community organisation to implement community management arrangements.
	9.2	Completed a joint tender with the London Borough of Bexley for the whole library service, including the shared service, to identify a delivery partner who can deliver library services under the supervision and direction of the council to retain service levels whilst reducing operating costs.
	9.3	Explore options for the upgrade and re-development of library facilities, as identified in the Library Strategy 2014. Specifically, we will have agreed a mixed development proposal with the development partner for Chislehurst Library to include retail and residential opportunities and new library facilities.

Delivery Risks:	<p>9.1 Community organisations do not submit acceptable and financially viable proposals, or require too much financial support from the Council to make their proposal tenable. The wider community or staff and their representatives object to community management arrangements. Programme delays are caused by issues relating to IT infrastructure.</p> <p>9.2 Negotiations reveal unanticipated legal, financial or business issues which require time to resolve. The tender does not deliver the anticipated benefits. There is a disagreement between the two authorities in relation to the tender which cannot be resolved, or one authority decides not to continue with the tender exercise.</p> <p>9.3 The scheme proposed is not compliant with planning requirements, or there is a change in market conditions which affect the viability of the development.</p>
Lead Officers:	<p>9.1 – Tim Woolgar 9.3 Hannah Jackson Colin Brand</p>
Resources	<p>Existing revenue budgets The Council's corporate commissioning budget</p>

Aim 10:	Develop the borough's cultural offer
By March 2017, we will have:	<p>10.1 Worked with appointed consultants AECOM to have produced a self-funding Regeneration Plan for Crystal Palace Park that will identify improvements to develop a sustainable business model for its management and maintenance under a new form of community-led governance. The plan must consider the complexities of the site and be delivered in partnership with the Greater London Authority, English Heritage and Transport for London. The plan will identify all sources of funding to affect delivery and have sought community input where appropriate.</p> <p>10.2 Completed capital projects as part of a £2.4million Improvement Scheme in Crystal Palace Park, and award grants from the Community Projects Fund. We will have conserved the sphinxes and south terrace steps, completed conservation of the dinosaurs and implemented the associated landscape improvements and commenced work to install a new skate park.</p> <p>10.3 Relocated local history exhibitions to Central Library thereby improving interpretation and increasing access.</p> <p>10.4 Completed developed designs for the new Biggin Hill Memorial Museum, and submitted an application for funding to support delivery costs to the Heritage Lottery Fund.</p>
Delivery Risks:	<p>10.1 Planning constraints delay or prevent delivery of elements to the Regeneration Plan which affects the business model for community-led governance.</p> <p>10.2 Delays to programme caused by procurement of contractors or other unforeseen factors leading to inflated costs. Bids to the Community Grants Fund are not forthcoming, are inappropriate, or do not produce the desired outcomes for the fund.</p> <p>10.3 Community stakeholders do not embrace the special exhibition area. Delays are caused to installation due to library usage patterns.</p> <p>10.4 Stakeholders fail to engage with or oppose plans for the new museum. The application to the Heritage Lottery Fund is not successful.</p>

Lead Officer:	10.1 Lydia Lee – 10.4
Resources	Capital programme Allocated funds from the Mayor of London and the Council's capital programme Capital programme £1m funding from HM Treasury, section 106 monies

Aim 11:	Enhance the borough's leisure facilities
By March 2017, we will have:	<p>11.1 Identified a suitable developer and awarded a contract for a mixed use development to include a community hub, housing and public realm work and a new gymnastics centre at Chipperfield Road, St Paul's Cray.</p> <p>11.2 Agreed a lease for Blackheath and Bromley Harriers to undertake the management and maintenance of Norman Park Athletics Track.</p> <p>11.3 Lead the development and adoption of a new five year strategic framework for ProActive Bromley to encourage participation in sport and healthy lifestyles.</p> <p>11.4 Reviewed the future of leisure centre provision across the borough and explored opportunities for modernisation.</p>

Delivery Risks:	<p>11.1 A suitable developer cannot be found. The proposed scheme is not financially viable or fails to comply with planning constraints.</p> <p>11.2 The feasibility study shows the scheme is not financially viable or compliant with planning constraints. Blackheath and Bromley Harriers decide to continue with their current arrangement and not to pursue the lease option. New lease arrangements between the Council and Blackheath and Bromley Harriers cannot be agreed.</p> <p>11.3 The ProActive Bromley Executive does not agree the new Strategic Framework.</p> <p>11.4 No developer is secured and scheme is not deemed financially viable.</p>
Lead Officers:	John Gledhill
Resources	Existing Culture & Leisure budgets

Performance Measures

In order to assess how successful our work is delivering the strategic outcomes identified in this plan, we will measure our performance in relation to the following performance measures. We will report the impact that we have on these performance measures annually at the end of 2016/17 in the summary report.

Outcome 1:	Economic Development
Performance Measures:	<p>1.1 Footfall rates are sustained or improved in the borough's largest town centres.</p> <p>1.2 There is business rate growth in the borough.</p> <p>1.3 Employment rates in the borough are maintained or improved.</p> <p>1.4 Vacancy rates in our town centres are sustained or reduced.</p>
Outcome 2:	Protection, conservation and enhancement of the natural and built environment
Performance Measures:	<p>2.1 The Local Plan is submitted to the Secretary of State and a draft Infrastructure Delivery Plan is published alongside hr Draft Local Plan.</p> <p>2.2 Consultation on a draft Charging Schedule for a Bromley Community Infrastructure Levy is agreed.</p> <p>2.3 The Council determines</p> <ul style="list-style-type: none"> • Determined 60% of major applications within 13 weeks of receipt • Determined 65% of minor applications within 13 weeks of receipt • Determine 80% of other applications within 8 weeks of receipt <p>in accordance with national targets.</p>

Outcome 3:	Enhanced opportunities for leisure, cultural activities and community-led services
Performance Measures:	<p>3.1 The number of people from communities attending events or activities demonstrates community engagement with leisure, cultural and recreational services and projects.</p> <p>3.2 The number of projects delivered which improves access or engagement with leisure or cultural facilities, assets or services.</p> <p>3.3 Development proposals are submitted by development partners in relation to Chipperfield Road, Blackheath & Bromley Harriers and Chislehurst Library.</p>

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Issue 5: Hearing Statement Appendix 3

Lichfields Bromley Five Year Housing Land Supply Review

Dylon 2 Limited and Relta Limited (Objection 134 & 135)

November 2017

LICHFIELDS

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Appendices

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1.0 Introduction

Purpose and Scope

- 1.1 This report has been prepared by Lichfields, on behalf of Dylon 2 Limited and Relta Limited, to review the stated five year housing land supply (5YHLS) position of Bromley and inform the representations to the London Borough of Bromley (LBB) Local Plan examination.
- 1.2 Lichfields appeared as an expert witness on 5YHLS at the inquiry into Dylon Phase 2 (APP/G55180/W/16/3144248). The appeal decision was issued on the 2nd August 2016 and, whilst the Inspector dismissed the appeal, she accepted Lichfields housing evidence and concluded that the Council could not demonstrate a five year supply of housing land.
- 1.3 The report includes an overview and critique of the current 5YHLS position as set out in the document entitled 'London Borough of Bromley Five Year Housing Land Supply November 2016' (5YHLS Report). A separate technical note deals with the document 'Background Paper Lapse Rates (July 2017)'. These reports were prepared subsequent to the Dylon Phase 2 appeal decision.
- 1.4 This document provides specific analysis on the robustness of the Council's stated 5YHLS position in the context of the specific issues raised by the EIP Inspector in questions on windfalls, deliverable sites and housing need in the context of the London Plan review. To ensure a succinct appendix to the EIP questions, the report only covers aspects of the calculation which Lichfields disagrees with in support of the submitted representations to Issue 5.

Report Structure

- 1.5 The report is structured as follows:
- **Section 2 Council's 5YHLS Position** sets out the components of the Council's current stated 5YHLS position;
 - **Section 3 Lichfields Analysis** sets out the specific components of the Council's stated 5YHLS calculation which Lichfields consider are either not evidenced or contrary to national policy or guidance;
 - **Section 4 Our Assessment** sets out the impact on the Council's stated 5YHLS position of amending housing need, housing supply and a combination of the two; and
 - **Section 5 Our Overall Conclusions**

2.0 Council's 5YHLS Position

Five Year Housing Land Supply Position

2.1 The calculation of the five year land supply position by LBB is set out in the 5YHLS Report over the five year period 1st April 2016 to 31st March 2021 is summarised below.

Table 2.1 Five Year Housing Land Supply Position of London Borough of Bromley as at 1st April 2016

	Council Position	Average per Annum
Requirement		
Housing Requirement for Five Year period (1 st April 2016 to 31 st March 2021)	3,205	641
Delivery for 2015/16	673	~
Five Year Housing Supply Target (3,205 – 32 units of additional delivery)	3,173	635
Total Five Year Housing Land Supply plus 5% Buffer	3,332	666
Supply		
Known sites with planning permission not commenced	537	107
Known sites commenced (up to March 2015)	1,217	243
Allocated sites and draft Local Plan allocations	644	129
Small sites started (including prior approval)	116	23
Small sites allowance	730	146
B1(a) to C3 Prior Approval allowance	200	40
Vacant units brought back into use	100	20
Total Supply	3,544	709
Years Supply	5.32	~

Source: Five Year Housing Land Supply Position of London Borough of Bromley as at 1st April 2016

3.0 Lichfields Analysis

- 3.1 This section of the report covers only the components of the Council's 5YHLS calculation that Lichfields consider are not evidenced or do not accord with national policy or guidance.

Housing Requirement and OAN

Current Minimum Requirement

- 3.2 The housing figure against which to measure housing supply in a five year housing land supply calculation is established by the PPG (ID 3-030).

“Housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light.”

- 3.3 As set out in our response to Question 16 of Issue 5, the Council does not have an up-to-date housing requirement. The minimum housing benchmark set by Table 3.1 of the London Plan is 6,413 for the period 2015- 25 however in Policy 3.3 *Increasing Housing Supply* clearly states that Boroughs should seek to achieve and exceed the relevant minimum borough annual average housing target in Table 3.1, but also that Boroughs should draw on the housing benchmarks in table 3.1 in developing their LDF housing targets, augmented where possible with extra housing capacity to close the gap between identified housing need (see Policy 3.8) and supply in line with the requirement of the NPPF.
- 3.4 Bromley has not done this and therefore cannot be said to have complied with this policy. On the basis that the Council has not undertaken this exercise, it is not possible to determine what the appropriate housing requirement for Bromley is. To illustrate the importance of this policy breach, this report includes an assessment of 5YHLS against objectively assessed housing needs (OAN). The extent of the shortfall against OAN is clearly very significant and, in reality, thousands of peoples housing needs will go unmet in the Borough.
- 3.5 In this regard, the most up to date, tested assessment of need (not capacity constrained figures) comes from the London SHMA (2013) at 1,315 dpa. This is more than somewhat below the figure for Bromley in the Government's proposed standardised methodology for housing need of 2,564 dpa which was recently consulted on.
- 3.6 **Netting off Oversupply of Housing**
- 3.7 As a new London Plan with a new housing minimum benchmark for Bromley was adopted in 2015, the minimum housing benchmark in the adopted London Plan effectively writes off any previous backlog. Therefore the only applicable backlog to add in this calculation would be any undersupply in the first year of the plan period, 2015/16. As there was no under delivery against the backlog figure in that year, there is no backlog to add into the calculation.
- 3.8 However, in its calculation the Council has netted off the 32 units of over supply (673 completions being 105% of the – 641 minimum benchmark) from the remaining housing requirement for the five year period 2016/17 to 2020/21. We do not agree that this is appropriate or justified in policy.
- 3.9 Firstly, notwithstanding our position with regards to the appropriate housing requirement for this calculation, the paragraph 47 of the NPPF is clear that Local Planning Authorities must significantly boost the supply of housing. Netting off oversupply in any one year clearly is

contrary to this requirement and to the provisions of the London Plan. The housing target for Bromley in the London Plan (2015) is set as a minimum to be exceeded (Table 3.1). Policy 3.3 Increasing Housing Supply is clear that “*Boroughs should seek to achieve and exceed the relevant minimum borough annual average housing target in Table 3.1*” (paragraph D) and “*Boroughs should draw on the housing benchmarks in table 3.1 in developing their LDF housing targets, augmented where possible with extra housing capacity to close the gap between identified housing need (see Policy 3.8) and supply in line with the requirement of the NPPF*” (paragraph Da). (Our emphasis)

3.10 In line with the requirements of London Plan policy for the housing benchmark figure to be planned for as a minimum to be exceeded to help close the gap with housing need and supply, there is no logical justification to net off any overprovision against the minimum housing benchmark on an annual basis.

3.11 Secondly, our stance is supported by the appeal at Land adjacent to ‘The Navigator’, off Swanick Lane, Lower Swanick, Hampshire¹ (20 January 2015). The Inspector in conclusion at paragraph 45 stated:

I have considered this argument carefully. However, the PPG advice relates specifically to a situation where housing delivery has exceeded the area’s housing needs, rather than a policy requirement. In this case, for the reasons explained above, I have come to the view that the Borough’s housing needs are now more accurately expressed in the SHMA projections than in the FCS. (Our emphasis).

3.12 The findings of this appeal are clearly applicable to Bromley where, although marginally exceeded the minimum pre-buffer benchmark in 2015/16, it has clearly not met or exceeded the areas housing needs. There is no justification for netting off completions to reduce the housing requirement in the five year housing land supply calculation going forward.

Supply

Lapse Rates (Known sites with planning permission not commenced)

3.13 As set out in the separate appended Technical Appendix on lapse rates which responds to the Council’s ‘Background Paper Lapse Rates (July 2017)’, a 30% lapse rate is applied to the 537 units on known sites with planning permission not commenced. This reduces this component of supply to **376 units**.

Known sites commenced

3.14 A total of 1,217 units have been identified by the Council in this category. On Isard House we have adjusted the figure from 21 units to -24 units. This is because the site was a former 45 bedded C2 care facility and on the basis that if C2 units are included in the supply their loss should be removed. The loss of 45 units leads to a net loss of 24 units.

Small Sites Started

3.15 A list of the 116 units included in this component of supply in the Council’s 5YHLS Report has been obtained from the Council (included at Annex 1 to this report). Omitting duplicate applications which lead to double counting decreases the total by 5 units to **111 units**.

¹ APP/A1720/A/14/2220031

Allocated Sites and Draft Local Plan Allocations

- 3.16 This section seeks to use the NPPF footnote 11 definition of a deliverable site to consider whether the Allocated Sites and Draft Local Plan Allocations in the 5YHLS Report fulfil these criteria. Each of the sites is reviewed to consider whether they are suitable now, available now and achievable (see Annex 2 to this report and our Hearing Statement Appendix 2).
- 3.17 This analysis removes 171 units of supply from the calculation.

Windfalls Allowance

- 3.18 Question 17 of the MIQ's is: *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?* The following amplifies the statements set out in our Hearing Statement responding to this question.
- 3.19 The NPPF (paragraph 48) is clear that windfalls can be used in a calculation of housing supply and we do not dispute their inclusion as a point of principle. However, the NPPF is also clear that any windfalls figure needs to be justified and based on sound evidence.
- 3.20 The Council's small sites windfall allowance takes an average over the period 2008/09 to 2015/16, removing 90% of completions on garden land, amounting to an average of 120 units per annum, then adding an uplift of 130 units, resulting in a total of 730 units.
- 3.21 Subject to our comments on double counting, we accept the 120 dpa figure for small sites but reject the extra 130 unit uplift.
- 3.22 This uplift relates to the Council's suggested impact of future initiatives including the Home Builders Fund to support custom and self-build sectors, off-site construction and infrastructure; permitted development rights (including changes of use from office to residential) or Starter Home initiatives.
- 3.23 This average calculated prior to the application of the uplift includes office to residential conversions between 2014/15 to 2015/16 (paragraph 2.15). The Council states the following with regards to the inclusion of conversions through office to residential permitted development rights:
- "It is considered that the role of the permitted development rights and their contribution to future housing supply will be included in some form within the next GLA SHLAA. In light of the fact that the rights have now been made permanent and only a conservative allowance has been included in the 5YHLS (see paragraphs 2.33-2.35) the inclusion of the 90 units within the calculation is considered justified." (Paragraph 2.15)*

Lichfields Points of Critique

- 3.24 We have a number of concerns about the reliability of the windfalls figure adopted by the Council in this calculation and set out below three main points of concern.

1. Data Availability

- 3.25 There is no evidence of sources or data to justify the calculation of the 130 units uplift in windfalls over five years to take account of additional funding and increased permitted development rights.

2. The Additional Uplift

- 3.26 The application of the uplift to the windfalls calculation is also unjustified as there is no evidence that the availability of additional funding or permanent permitted development rights would increase windfalls delivery above past trends, let alone by an additional 130 units in five years.
- 3.27 Although the NPPF allows for the windfalls allowance to take account of expected future trends, there is no evidence to suggest that future initiatives, including the Home Builders Fund to support custom and self-build sectors, off-site construction and infrastructure or Starter Home initiatives, would increase windfall supply (sites <0.25ha). The problem for developments of this size is often not an availability of finance for development, but a lack of land available to be able to pursue these schemes, particularly in areas of where there is a strong housing market such as in Bromley. It is therefore incumbent on the Council to make these sites available for small/medium sized schemes to come forward, which draws into question whether these schemes can in fact be considered as windfall sites.
- 3.28 The other factor mentioned in the 5YHLS Report is that the uplift is applied to reflect the impacts of permitted development rights (including changes of use from office to residential). However, there would appear to be clear double counting in this instance because the calculated windfall allowance of 120 units per annum already includes office to residential permitted development conversions. Although we would agree that including office to residential windfalls (sites <0.25ha) is acceptable if there is evidence they have occurred historically, there is no justification for applying a further uplift for them when there is no evidence their rate will increase. This is particularly pertinent in context of the Article 4 Direction in place for Bromley Town Centre which could impact significantly on the level of conversions. Furthermore there is potential that these conversions will slow over time as the total amount of suitable office space to convert to residential reduces.
- 3.29 In summary, there is no justification for the uplift applied to the windfalls figure and this particular item should be removed **(-130 units)**.

3. Office to Residential Conversion Double Counting

- 3.30 As set out above, the inclusion of office to residential conversions in the windfalls calculation is acceptable if there is evidence it has occurred historically. However, this appears to double count with the allowance that the Council has made for B1(a) to C3 Prior Approval allowance of 200 units, the calculation for which in itself is wholly unclear.
- 3.31 The 5YHLS Report states that (paragraph 2.36) “*contributions from this source are likely to include large and small sites*”. If the windfalls calculation and the B1(a) to C3 Prior Approval allowance both include an ‘allowance’ for small site windfalls coming forward, then there is clear double counting. Without knowing the exact calculations behind either of these allowances it is not practical to try and net off the allowance for small sites from one of them, it does however draw attention to the fact that there is likely to be an overestimate for this allowance.

Lichfields’ Updated Windfalls Calculation

- 3.32 Although we are content with the calculation of the windfalls allowance of 1,220 units, the Council has ensured no double counting with other small site components of supply by netting them off the total windfalls figure. As we have made changes to the supply position of the 5YHLS calculation, this has impacted the residual windfalls figure to be used going forward. The updated position is set out below, using the revised components calculated in earlier sections of this report.

- Total number of small sites completed for 2008/09 – 2015/16 = 2,124 units;
- Garden land subtracted for 2008/09 – 2013/14 = 165 units;
- Results in a total of 1,959 units (1,959 / 8 years = 244 units per annum);
- 244 units per annum x 5 years = 1,220 units.

3-33 The Residual Windfalls Figure to Avoid Double Counting

Table 3.1 Calculation of the Residual Windfalls Figure to Avoid Double Counting

Small Site Components (<0.25ha)	LBB Figure	Lichfields Amended Figure
Units with planning permission	84 ²	59 (30% lapse rate)
Units with planning permission commenced	112 ³	112
Office to Residential PD commenced (9+ units)	309 ⁴	309
Sites <9 units commenced	116	111
Totals	621	591

Source: London Borough of Bromley 5YHLS Report November 2016 and Lichfields analysis

- Total number of units on small sites listed in the 5YHLS = 591 units;
- The residual windfalls figure to avoid double counting:
 - 1,220 minus 591 units = 629 units;
- The windfalls figure for the purposes of the 5YHLS calculation:
 - 629 units/5 years = 125.8 units per annum (629 units in total).

Summary

3-34 On the basis of the above analysis Table 3.2 summarises the changes that should be made to make the calculation compliant with national policy and the findings of recent appeal decisions.

Table 3.2 Our amendments to the windfalls calculation

	Amended windfalls figure
Council concluded windfalls figure	730
Amends	
Updated residual windfall figure based on removing small sites already in the 5YHLS calculation	629
No 130 unit uplift applied	629

Source: Lichfields analysis

The Inclusion of Lost Dwellings

3-35 We do not dispute that the Council can include C2 units in its supply position, indeed Table A4.1 of the adopted London Plan clearly states that “*non-self-contained residential accommodation*

² 165 Masons Hill (23 units); H G Wells Centre (52 units) and 155-159 High Street (9 units)

³ Homesdale Centre (6 units); 57 Albemarle Road (14 units); 193 Anerley Road (9 units) and Orpington Police Station (83 units)

⁴ Title House (50 units); Broadway House (43 units); Crosby House (22 units); Oxford House (17 units); Waterford House (14 units); County House (75 units) and Berwick House (88 units).

including specialist housing for students and older people may count towards housing targets for monitoring purposes (whether in use class C2, C3, C4 or SG)." However, this works both ways and if the Council loses C2 units, then these too should be removed from the Council's supply position. We do not have confidence that the Council has taken this into account and as such as inflated the supply position.

- 3.36 We have made a number of comments about reductions that should be made to allocations including the loss of C2 units, as set out in Appendix 2. However, there are other schemes which involve the loss of housing (some include C2) but will not re-provide housing and as such will not be found in the 5YHLS evidence. For example, Kingswood House site is being redeveloped as a primary school (14/02667/FULL1 approved on 13th January 2015) with a net loss of 39 units of accommodation⁵ (all of them affordable). As this site comes forward, 39 houses should be removed from the 5YHLS going forward, or removed from recorded completions for that year. It is not therefore clear that the Council has, or plans to, take into account the loss of these dwellings in its housing need assessments or trajectory.

⁵ http://www.cqc.org.uk/sites/default/files/historic_reports/1-116992976_Shaw_Healthcare_Limited_1-134889374_Kingswood_House_0000063942_16042009.pdf

4.0 Our Assessment

4.1 The Council's most up to date 5YHLS position states that they have 5.32 years of housing land supply and a surplus of 212 units. However, we have noted a number of components of the calculation which do not accord with national policy and guidance or recent appeal decisions, in particular the findings of the Dylon appeal Inspector (August 2016) on the LBB 5YHLS.

Existing and Future Housing Needs and Requirement

4.2 Against the adopted minimum housing benchmark, the Council has incorrectly netted off oversupply of 32 units in 2015/16 from the housing requirement calculation. On the basis that the housing benchmarks in the London Plan (2015) are set as minimums to be exceeded and the NPPF (para 47) requires a significant boost to the supply of housing, there is no justification for this. Our appraisal increases the requirement against the minimum benchmark by 32 units to 3,205. Applying the 5% buffer gives an overall total of 3,365 units. The amended calculation to correct this point is set out below 'Council Corrected Position'.

4.3 However, as the Council has not complied with the requirements of London Plan Policy 3.3 to exceed the London Plan minimum benchmark or close the gap with housing needs, it is not possible to determine what the appropriate housing requirement for Bromley is. Nonetheless, the Council cannot demonstrate a 5YHLS against 641 dpa (see scenarios 3 and 4) let alone a higher housing requirement figure.

4.4 As a sensitivity test, we have used OAN in the context of 5YHLS calculations. Scenario 1 below updates the 5YHLS to reflect the needs from the tested London SHMA (2013). Scenario 2 updates the 5YHLS position to reflect the impact of utilising the figure generated from the Government's new standardised methodology.

Table 4.1 Calculated position of London Borough of Bromley's actual five year housing land supply based on adjustments to housing need only

	Council Position	Corrected Council Position	Scenario 1 Lichfields Position (Housing Need London SHMA 2013)	Scenario 2 Lichfields Position (Housing Need Standardised methodology)
Requirement				
Minimum Housing benchmark/need for Five Year period (1 st April 2016 to 31 st March 2021)	3,205	3,205	6,575	12,820
Delivery for 2015/16	673	N/A	N/A	N/A
Five Year Housing Supply Target (3,205 – 32 units of additional delivery)	3,173	3,205	6,575	12,820
Total Five Year Housing Land Supply plus 5% Buffer	3,332	3,365	6,904	13,461
Supply				
Total Supply	3,544	3,544	3,544	3,544
Years Supply	5.32 years	5.27 years	2.57 years	1.32 years
Surplus/Deficit	+212	+179	-3,360	-9,917

Source: Lichfields Analysis

Housing Supply Shortcomings

- 4.5 The Council has failed to apply a lapse rate to sites with planning permission not commenced. Our evidence in the separate Technical Appendix on lapse rates evidences that a lapse rate of at least 30% is appropriate to apply to known sites with planning permission not commenced.
- 4.6 We have removed 45 units from known sites commenced to reflect the loss of C2 units.
- 4.7 We have concerns about how the small site windfalls figure has been calculated. An uplift of 130 units above the calculated figure has been included with no evidence to support it.
- 4.8 Furthermore, to ensure there is no double counting with small site permissions already taken into account in the calculation, Lichfields has included 629 units in the small sites allowance to take into account reductions made by the introduction of the lapse rate to known sites with planning permission not commenced on sites of <0.25ha.
- 4.9 There are some duplicates in the calculation of the small sites started component. Omitting these duplicates removed 5 units of supply.
- 4.10 The Council has also included some Allocated Sites and Draft Local Plan Allocations which do not meet the NPPF definition of a deliverable site or existing C2 units should be netted off. Removing these sites reduces supply by 171 units.
- 4.11 The impact of all the above alterations to the components of supply to the 5YHLS calculation is set out below in scenario 3. Scenario 4 shows that, purely as a sensitivity, the Council's supply position is so marginal that even without the application of a lapse rate, the Council cannot demonstrate a 5YHLS.

Table 4.2 Calculated position of London Borough of Bromley's actual five year housing land supply based on adjustments to housing supply only

Requirement	Council Position	Scenario 3 Lichfields Position (Amended supply only)	Scenario 4 Lichfields Position (Amended supply only with no lapse rate)
Total Five Year Housing Land Supply plus 5% Buffer	3,332	3,365	3,365
Supply			
Known sites with planning permission not commenced	537	376 (30% lapse rate)	537
Known sites commenced (up to March 2015)	1,217	1,172	1,172
Allocated sites and draft Local Plan allocations	644	461	461
Small sites started (including prior approval)	116	111	111
Small sites allowance	600	629	600
Additional Small sites uplift	130	0	0
B1(a) to C3 Prior Approval allowance	200	200	200
Vacant units brought back into use	100	100	100
Total Supply	3,544	3,061	3,193
Years Supply	5.32 years	4.53 years	4.73 years
Surplus/Deficit	+212	-316	-184

Source: Lichfields Analysis

5.0

Overall Conclusions

5.1 In summary, the 5YHLS position set out by the Council overestimates housing supply and underestimates housing need.

5.2 Combining the incorrect netting off of oversupply of housing, adjustments to the windfall allowance, small sites permissions, allocations and the introduction of a lapse rate, into a full review of the Council's 5YHLS position, it is clear that the Council is unable to demonstrate a 5YHLS against its own minimum benchmark figure of 641 (**4.53 years**). This exponentially worsens when assessed against housing need in Bromley from the tested London SHMA (2013) (**2.21 years**) and the Government's standardised methodology (**1.13 years**).

Table 5.1 Calculated position of London Borough of Bromley's actual five year housing land supply

	Council Position	Lichfields Position (Minimum Benchmark and amended supply)	Lichfields Position (Housing Need (SHMA) and amended supply)	Lichfields Position (Housing Need (New methodology) and amended supply)
Requirement				
Minimum Housing benchmark/need for Five Year period (1 st April 2016 to 31 st March 2021)	3,205	3,205	6,575	12,820
Delivery for 2015/16	673	N/A	N/A	N/A
Five Year Housing Supply Target (3,205 – 32 units of additional delivery)	3,173	3,205	6,575	12,820
Total Five Year Housing Land Supply plus 5% Buffer	3,332	3,365	6,904	13,461
Supply				
Known sites with planning permission not commenced	537	376 (30% lapse rate)	376 (30% lapse rate)	376 (30% lapse rate)
Known sites commenced (up to March 2015)	1,217	1,172	1,172	1,172
Allocated sites and draft Local Plan allocations	644	461	461	461
Small sites started (including prior approval)	116	111	111	111
Small sites allowance	600	629	629	629
Additional Small sites uplift	130	0	0	0
B1(a) to C3 Prior Approval allowance	200	200	200	200
Vacant units brought back into use	100	100	100	100
Total Supply	3,544	3,049	3,049	3,049
Years Supply	5.32 years	4.53 years	2.21 years	1.13 years
Surplus/Deficit	+212	-316	-3,855	-10,412

Source: Lichfields Analysis

- 5.3 The Mayor has recently indicated that the new capacity based target for Bromley borough will be **1,424 dpa** in the new London Plan which is scheduled to be released in draft on 29 November 2017. There is only a **2.14 years** of housing, applying the future LBB requirement to the current supply.

London Borough of Bromley Five Year Housing Land Supply 2017

- 5.4 We are aware that the above document went to Development Control Committee on the 16th November 2017. Having initially perused this document, we consider the same broad points of critique as surmised in this report still apply (including the application of a lapse rate and the need to remove the additional windfalls uplift), except for the netting off of the oversupply of housing against the minimum benchmark figure.

Annex 1: Small Sites Started Analysis

Borough Reference	Status as at 27/09/16	Number of Existing Units	Number of Proposed Units	Net Unit Level	Site Name/ Number	Primary Street Name	Post Code	Permission Date	Started Date	Total Site Area	Development Description	Lichfields Comments	Amended Net Unit Level
15/05593/FULL1	Started	0	2	2	64	Tremaine Road	SE20 7TZ	07/03/2016	07/03/2016	0.012	Erection of a new two storey building to accommodate habitable accommodation (including roof space) comprising of 1no: two bedroom flat and 2no: one bedroom flats	Duplicate with 13/00562/EXTEN D	0
15/05593/FULL1	Started	0	1	1	64	Tremaine Road	SE20 7TZ	07/03/2016	07/03/2016	0.012	Erection of a new two storey building to accommodate habitable accommodation (including roof space) comprising of 1no: two bedroom flat and 2no: one bedroom flats	Duplicate with 13/00562/EXTEN D	0
13/00562/EXTEND	Started	0	2	2	Land To The Side Of 64	Tremaine Road	SE20 7TZ	13/05/2013	24/02/2016	0.036	Extension of time limit for implementation of planning permission DC/10/00452/FULL1 (granted for detached two storey building with habitable rooms in roof space to provide 1 two bedroom flat and 2 one bedroom flats)		2
13/00562/EXTEND	Started	0	1	1	Land To The Side Of 64	Tremaine Road	SE20 7TZ	13/05/2013	24/02/2016	0.036	Extension of time limit for implementation of planning permission DC/10/00452/FULL1 (granted for detached two storey building with habitable rooms in roof space to provide 1 two bedroom flat and 2 one bedroom flats)		1
16/00291/FULL1	Started	0	1	1	10	Edward Road	TN16 3HL	24/03/2016	30/01/2015	0.070	Proposed three bedroom bungalow	Duplicate with 14/03891/FULL1- both propose new bungalow on same site	0
14/03891/FULL1	Started	1	0	-1	10	Edward Road	TN16 3HL	02/12/2014	30/01/2015	0.074	Demolition of an existing bungalow and the erection of replacement bungalow with detached garage and car parking to front.		-1
14/03891/FULL1	Started	0	1	1	10	Edward Road	TN16 3HL	02/12/2014	30/01/2015	0.074	Demolition of an existing bungalow and the		1

Borough Reference	Status as at 27/09/16	Number of Existing Units	Number of Proposed Units	Net Unit Level	Site Name/ Number	Primary Street Name	Post Code	Permission Date	Started Date	Total Site Area	Development Description	Lichfields Comments	Amended Net Unit Level
											erection of replacement bungalow with detached garage and car parking to front.		
14/05076/FULL1	Started	1	0	-1	76a	Manor Way	BR3 3LR	26/02/2015	17/04/2015	0.085	Demolition of existing dwelling and construction of a detached 6 bedroom dwelling with integral garage.	Duplicate of 12/00547/FULL1	0
14/05076/FULL1	Started	0	1	1	76a	Manor Way	BR3 3LR	26/02/2015	17/04/2015	0.085	Demolition of existing dwelling and construction of a detached 6 bedroom dwelling with integral garage.	Duplicate of 12/00547/FULL1	0
12/00547/FULL1	Started	1	0	-1	76a	Manor Way	BR3 3LR	31/05/2012	17/04/2015	0.084	Demolition of existing dwelling and erection of two storey five bedroom dwelling house with integral garage		-1
12/00547/FULL1	Started	0	1	1	76a	Manor Way	BR3 3LR	31/05/2012	17/04/2015	0.084	Demolition of existing dwelling and erection of two storey five bedroom dwelling house with integral garage		1
15/04528/FULL1	Started	1	0	-1	323	Court Road	BR6 9BZ	21/12/2015	18/03/2016	0.093	Demolition of detached bungalow and erection of two storey 4 bedroom detached house	Duplicate of 14/04393/FULL1	0
15/04528/FULL1	Started	0	1	1	323	Court Road	BR6 9BZ	21/12/2015	18/03/2016	0.093	Demolition of detached bungalow and erection of two storey 4 bedroom detached house	Duplicate of 14/04393/FULL1	0
14/04393/FULL1	Started	1	0	-1	323	Court Road	BR6 9BZ	10/02/2015	18/03/2016	0.129	Demolition of existing bungalow and erection of a two storey 4 bedroom house with associated landscaping and parking.		-1
14/04393/FULL1	Started	0	1	1	323	Court Road	BR6 9BZ	10/02/2015	18/03/2016	0.129	Demolition of existing bungalow and erection of a two storey 4 bedroom house with associated landscaping and parking.		1
15/02784/FULL1	Started	0	4	4	1-3	White Horse Hill	BR7 6DG	03/11/2015	08/04/2016	0.120	Erection of pair of two storey 3-bedroom semi-detached houses and one detached 3-bedroom	Scheme is for a net unit increase	3

Annex 2: Lichfields Analysis of Allocated Sites and Draft Local Plan Allocations

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Issue 5: Hearing Statement Appendix 4

Lapse Rates Technical Note

Dylon 2 Limited and Relta Limited (Objection 134 & 135)

November 2017

LICHFIELDS

Appendix 4 – Lapse Rates Technical Note

Our ref 14473/05/SB/HBE

Date November 2017

Subject Technical Appendix: Lapse Rates in Bromley

1.0 Introduction

1.1 The purpose of this Technical Appendix is to provide a summary of our clients Dylon 2 Limited and Relta Limited (Rep ref 134 & 135) position on the application of a lapse rate to sites in Bromley’s Borough Councils (LBB) assessment of five year housing land supply (5YHLS). In summary, the Council’s evidence is fundamentally flawed and cannot be relied upon to evidence that lapse rates should not be taken into account in the 5YHLS calculation.

2.0 Background Paper Lapse Rates (July 2017)

Context

- 2.1 LBB produced the Background Paper Lapse Rates (“the background paper”) in July 2017; this has not been the subject of formal consultation and our clients have not had the opportunity to make representations on this document to date.
- 2.2 This document advances a position which the Council considers proves that there is no need to apply a lapse rate in Bromley to sites of 9+ units with planning permission not commenced.
- 2.3 We have significant concerns about the interpretation of this analysis and consider that, in fact, the Council’s analysis evidences a need for a lapse rate for the reasons set out below.
- 2.4 The Council’s background paper was produced in response to the findings of the inquiry Inspector into the Dylon Phase 2 appeal (APP/G5180/W/16/3144248), made by our client and at which Lichfields produced the evidence on 5YHLS, including lapse rates on their behalf. As set out at paragraph 1.4 in the background paper, the Inspector concluded LBB could not demonstrate a 5YHLS for a number of reasons, including the non-application of a lapse rate.

Previous Evidence

- 2.5 Although the NPPF footnote 11 identifies that “*Sites with planning permission should be considered deliverable until permission expires*”, this is caveated to state that this applies “*unless there is clear evidence that schemes will not be implemented*”.
- 2.6 In the context of the requirements of the NPPF the appropriateness of the inclusion of a lapse rate for extant planning permissions in 5YHLS terms has been established in the High Court¹. Paragraph 71 of the judgment is clear that evidence of lapse rates in a local authority constitutes compelling evidence to justify why some schemes with permission will not be implemented.
- 2.7 At the Dylon2 appeal inquiry, Lichfields introduced significant local evidence which showed that lapses in bringing forward development on sites with planning permission in Bromley had been

¹ Cotswold District Council and the SOS for CLG (Cotswold District Council Vs SoSCLG (27 November 2013))

occurring consistently. The evidence put before the appeal Inspector is briefly summarised below, this being drawn from the appellants' case for a lapse rate of 30-50%:

- **The London SHLAA (2013)** - The issue of lapse rates was discussed in great depth at the Examination in Public (EIP) into the Further Alterations to the London Plan (FALP) and the SHLAA identified that, in Bromley between 2004 – 2012, 56% of approvals were completed, while in 2008 -2012 this increased to 69% (Table 3.20);
- **Mayor's 'Barriers to Housing Delivery – Update' of July 2014** - The FALP EIP Inspector also set out that there is clear evidence of lapse rates to planning permissions in London highlighted in this document which looked at sites of 20 dwellings or more. Only about half of dwellings granted planning permission every year are built in London;
- **London Borough of Bromley Housing Supply Strategy (2005)** - Table 9 of the report showed that in Bromley over the period from the start of 1999 to the end of 2003, only 63% of permissions converted into completions.
- **Blue Circle SOS Appeal²** – Paragraph 287 of this appeal decision stated: *“The Lichfields Report [London Borough of Bromley Housing Supply Strategy (May 2005)] indicates that 63% of permissions for dwellings were built. ... I consider it unsafe to assume that the Council's purported 100% delivery rate will be achieved. Therefore... if it is assumed that about a third of the planning permissions granted will not be implemented then there is a significant deficit in the 5 year supply”.* (Our emphasis)
- **Anerley School for Boys Appeal³** - Paragraph 36 of this appeal decision states. *“That assessment is based, however, on the assumptions that... all permissions granted will convert to completions. Evidence was given on behalf of the Council that the Council make no discount for uncertainty. They assume that all housing planning permissions granted will be delivered in full within five years. In fact... the Council have achieved an average conversion rate of dwellings delivered against permissions granted of 49% over the period 1999 to 2008.”* (Our emphasis)

New Evidence from LBB

- 2.8 The Council's background paper includes new evidence on lapse rates following the Dylon Phase 2 appeal.

Contribution to housing delivery from unknown windfall sites (9+ units)

- 2.9 The Council has undertaken an exercise in looking back over the most recent five year period to understand how many of the projected housing units in the June 2012 5YHLS report actually came forward in the five year period (April 2012 to March 2017). Lichfields consider this to be a robust way of assessing lapse rates as the analysis actually follows specific applications to see if they lapse.
- 2.10 The June 2012 5YHLS report identified 2,645 sites for delivery over the five year period. Information is not provided by the Council on the lapse rates of sites of less than 9 units, but 630 units on sites of 9+ units lapsed in this period. This is broken down by component of supply below.

² APP/G5180/A/07/2043219/NWF

³ APP/G5180/A/08/2088139

Table 1 Lapse rates occurred in Bromley over the period April 2012 to March 2017

		June 2012 5YHLS Position	Known Lapses (July 2017)	Percentage Lapse
Sites with permission not commenced	9+ units	747	540	72%
	< 9 units	-20	Unknown	Unknown
Sites commenced	9+ units	1,309	20	1.5%
Allocated Sites	9+ units	70	70	100%
Small sites started from 01/01/11		239	Unknown	Unknown
Small sites with planning permission		300	Unknown	Unknown
Totals		2,645	630	29.6%

Source: Table 2 of the background paper, the LBB June 2012 5YHLS report Appendix 1 and Lichfields analysis

- 2.11 This shows that almost three quarters of sites of more than 9 units where planning permission had been granted but not commenced in the most recent five year period
- 2.12 Despite this clear evidence of a high percentage lapse of unimplemented permissions the Council argues that a lapse rate is not required because supply through the development of windfall sites of 9+ units that came forward annually over that period more than outstrips the lapses that have occurred (paragraph 4.13 of the background paper), totalling 1,035 units or 207 dpa. As such although the sites projected to come forward by the Council failed to do so, the total number of projected units came forward from other sites that are unplanned for, making up the lapse.
- 2.13 However, in our opinion the Council's approach includes inherent double counting in its narrative which undermines the position that a lapse rate should not be applied.
- 2.14 The June 2012 5YHLS position does not make an allowance for windfalls (as evidenced in Table 1 above).
- 2.15 However, come November 2016, the Council's 5YHLS report includes 730 windfall units for small sites.
- 2.16 It should be noted that, in the context of London, small sites are not measured by a number of units but by site size of <0.25ha. Appendix 1 of the November 2016 5YHLS report shows that small sites can yield significant numbers of dwellings⁴, certainly above 9 units.
- 2.17 Therefore, it is clear that in the June 2012 5YHLS position, the lapses that occurred in the sites projected to deliver were compensated for by windfall sites which were not allowed for in the 5YHLS calculation. Yet, this is not the case in the November 2016 position where a windfalls allowance has been made. As such the Councils logic that windfalls will make up the lapses in sites with planning permission cannot be applied. If a lapse rate to sites with planning permission not commenced is not applied (because windfalls make up the shortfall) **and** a significant windfalls allowance is factored into the calculation, this amounts to double counting because the Council cannot argue that the windfalls pick up the lapses because the windfalls are already factored into the calculation.

⁴ For example, Berwick House has planning permission for 88 units on a 0.1 ha site (14/02086/REPSA)

Permissions vs Completions of 9+ Units

2.18 Paragraph 2.10 of the Council’s background paper states that, if a lapse rate is to be applied, then it should be based on historic data which sets out the number of permissions compared with completions on similarly sized sites. The Council go on to argue (at paragraph 4.9) that the figures referenced in the London SHLAA (2013) to evidence lapse rates relates to schemes of all sizes but that the percentage was applied to sites of 9+ units by the appellant in the Dylon2 inquiry. Table 4 of the background paper then goes on to assess the annual number of completions from sites of 9+ units net with planning permission of 9+ units. This evidence categorically shows that over the five year period 2012/13 to 2016/17 an average of only 83%⁵ of permission were built out, equating to a lapse rate of 17%.

3.0 Summary of Evidence

3.1 Table 2 below sets out a summary of the evidenced positions on lapse rates presented at the Dylon Phase 2 appeal and in the Council’s background paper.

Table 2 Summary of Lapse Rate Evidence

	Evidenced Lapse Rate
Dylon Appeal Evidence	
The London SHLAA (2013)	31% to 44% (Bromley)
Mayor’s ‘Barriers to Housing Delivery July 2014	c.50% (London)
London Borough of Bromley Housing Supply Strategy (2005) & Blue Circle SOS Appeal	37% (Bromley)
Anerley School for Boys Appeal	51% (Bromley)
Council Evidence (July 2017)	
Lapse rates occurred in Bromley over the period April 2012 to March 2017	29.6% (Bromley)
Lapse rates occurred in Bromley over the period April 2012 to March 2017 (Sites with planning permission not commenced 9+ units)	72% (Bromley)
Permissions vs Completions of 9+ Units	17% (Bromley)
Range of Evidence	17% to 72%

Source: Lichfields analysis

3.2 It highlights that our evidence for lapse rates in Bromley clustered around 30-50% for the appeal inquiry. The post inquiry evidence in the background paper evidence, taken as a whole, further emphasises that a 30% lapse rate is reasonable from the June 2012 5YHLS position (of 9+ units) not coming forward in five years .

3.3 Thus, adopting a broad based approach and as a conservative estimate, a lapse rate of 30% should be applied to sites with planning permission not commenced of 9+ units in the appended review of the Council’s 5YHLS position.

⁵ 2,575 permissions vs 2,129 completions

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Issue 5: Hearing Statement Appendix 5

Bromley Housing Zone Judgement

Dylon 2 Limited and Relta Limited (Objection 134 & 135)

March 2017

LICHFIELDS



Neutral Citation Number: [2017] EWHC 671 (Admin)

Case No: CO/2175/2016

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
PLANNING COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 30/03/2017

Before :

MR JUSTICE COLLINS

Between :

Relta Limited
- and -
Greater London Authority
- and -
London Borough of Bromley

Claimant

Defendant

Interested
Party

Mr Andrew Parkinson (instructed by **DAC Beachcroft LLP**) for the **Claimant**
Mr Robert Williams (instructed by **Transport for London (Legal)**) for the **Defendant**
The Interested Party was not represented

Hearing dates: 7th March 2017

Approved Judgment

Mr Justice Collins:

1. This claim seeks to quash the decision by the Mayor of London on behalf of the defendant to designate Bromley Town Centre (BTC) as a Housing Zone (HZ). The decision was made on 17 March 2016. Permission to seek judicial review was granted by Wynn Williams J on an oral renewal which followed refusal on the papers by Supperstone J. Permission was granted on a ground raised in the claimant's reply to the defendant's and the interested party's summary grounds of defence. That alleged that the Mayor had misinterpreted his policy on the designation of HZs in his approach to whether such designation would deliver a minimum of 1000 houses.
2. In June 2014 the then Mayor issued a Prospectus dealing with HZs. The purpose was to boost housing supply in London by providing money from the defendant to individual Boroughs to "unlock and accelerate housing delivery and to build homes more affordable for working Londoners". Initially, there were to be 20 such HZs which did not include the BTC zone. That was included when the decision was taken in January 2016 to add a further 11 HZs. The basis for designation remained in all material particulars the same. As the introduction to the Prospectus made clear, what was required from a Borough which put in a bid for a HZ designation was that there would be a delivery of a minimum of 1000 homes each on a brownfield site. One important factor was that the Borough should offer what was called a 'something for something' deal, for example an undertaking to accelerate planning decisions relating to housing.
3. The Prospectus states what is required from a Borough if a HZ designation is sought. Thus it is necessary to determine what the Prospectus does require since its proper interpretation is a matter of law. But it is important to bear in mind that policy statements should not be subjected to the sort of analysis that may be appropriate when legislation or contractual provisions are being considered. Further, it is necessary to construe relevant requirements in the light of the purpose of the Prospectus, namely to increase the production and availability of housing in London.
4. The defendant accepts the need to comply with the relevant requirements of the Prospectus. The following paragraphs are particularly material:-

"11. Housing zones will work flexibly and will operate in different ways according to local circumstances so that the approach fits the specific needs of an area. Housing Zone designation could be used to unblock or kick-start development where it is stalled; it could be used to speed up delivery of homes that are already planned; or it could be used to bring forward new supply that would not otherwise have occurred. In any one Housing Zone any or all of these approaches could be applied.....

16. The primary aim of a HZ is the maximisation of new housing supply and all the policy tools should be geared to that core purpose. In this respect, they differ from many other regeneration or housing investment programmes which have been about the wider development of an area, or about improving existing stock, rather than increasing overall supply.

HZ designation and investment must directly result in unlocked or accelerated housing supply.....

26. The Mayor will consider a range of criteria when assessing whether a potential location would be a viable Housing Zone. These are set out in detail in Part Five, along with the bidding process and bidding proforma. Fundamental to any successful bid for Housing Zone status will be a clear statement of the “something-for something” offer that will unlock development alongside a commitment from the borough and key partners to deliver the Housing Zone, including the financial and other resources the partners can contribute. Development will need to be already underway or ready to start and be able to be rapidly increased or accelerated. There needs to be a clear setting out of realistically deliverable infrastructure requirements and how these will deliver the increased housing output; and where the funding sought is from the repayable fund, there needs to be clarity on the certainty of the repayment profile.

27. In addition to the above, bids should include assessments of the additionality that Housing Zone intervention will create in terms of new homes. ‘Additionality’ in this context means either homes being built that would not otherwise have been, or the accelerated housing delivery that becomes deliverable. It will be important for bids to demonstrate clearly the effect that the Housing Zone intervention would have on housing supply so that assessments of the value of the intervention can be made. Each Housing Zone will be expected to deliver at least 1,000 homes.....

42. Whether or not the GLA provides active planning support, there would be an expectation that the borough would commit to ensuring that the planning process is organised to deliver timely consideration of planning applications through a commitment to a pre-application process, assurances on timetables, Planning Performance Agreements and clarity over s106 obligations which should be as straightforward as possible. Boroughs will also need to demonstrate that planning consents will be capable of speedy implementation, for example by ensuring that reserved matters and pre-commencement conditions agreed in advance. Where Housing Zones cross borough boundaries, the support could focus on bringing together different borough planning teams to ensure co-ordination of approach and decision making”

5. Paragraph 66 is particularly important. It comes in a section headed “The Bidding Process”. It provides:-

“66. All bids will have to satisfy a number of requirements in order to be considered for designation as a Housing Zone as follows:

- a. The London borough making a significant contribution through resources, management and powers, towards housing delivery as part of a ‘something-for-something’ deal;
- b. Evidence that the proposed interventions will unlock or accelerate the quantum of housing outputs proposed;
- c. Delivery of a significant level of new housing. The Mayor expects that Housing Zones will deliver a minimum of 1,000 homes.”

In paragraph 67, it is said:-

“The Mayor’s objective in Housing Zones is to boost housing supply, either through generating additional new homes or by greatly accelerating housing delivery.”

6. The 1000 houses requirement in c. was restated in the Mayor’s decision of 28 January 2016 to designate a further 11 HZs in paragraph 1.12 of that decision in these words:-

“A minimum threshold of 1000 new homes delivered across the Zone (an original requirement).”

The procedure adopted to evaluate a bid from a Borough was to review it first by what was called a Challenge Panel. It would then be tested by the Housing Investment Group. If it passed those, there would then be put to the Mayor a request for his decision to approve the bids. In this case, Bromley’s bid was one of 11 then considered appropriate. In paragraph 2.11 of the request to the Mayor, Bromley’s HZ was said to be expected to achieve a level of development within its Zone of 1,468 homes for which the GLA would provide £27,100,000. The issue in this claim is whether Bromley’s bid did comply with the requirement that at least 1000 new homes would result from the HZ designation as set out in the Prospectus.

7. In the original claim form and statements both in amended grounds and grounds of defence, there was no agreement on what was needed in order to comply with the requirements of the Prospectus. The claimant’s case before submission of counsel’s skeleton argument was that the 1000 homes must be additional homes which would not have come forward without GLA funding. In his skeleton argument, Mr Parkinson submitted that the result of the HZ designation should be delivery of 1000 new homes which meant that there should be a connection between the designation and its interventions and the resulting delivery of 1000 new homes. The word ‘interventions’ follows the language of paragraph 66b. of the Prospectus and means such planning and policy actions as would be necessitated by the designation: see paragraph 65 of the Prospectus, which I do not need to cite. Mr Williams did not in his skeleton challenge Mr Parkinson’s submission that there should be the connection, but added the proviso that ‘connection’ should not be construed restrictively or narrowly and that delivery of housing could be benefited either directly or indirectly. Examples of

such benefit could be found in increased market confidence because of the designation, in the expedited planning process and in infrastructure funding. This could include for example improved access by highway works.

8. The key to Mr Williams' case, as developed in argument, was that, if the designation was likely to benefit delivery of homes, that sufficed to meet the 1000 new homes requirements. Mr Parkinson disputed this because in his submission it had to be shown that the designation would increase the delivery of new homes by unlocking or accelerating their number. It looked to the future and there must be at least 1000 new homes which needed designation in order to enable them to be delivered.
9. Bromley's bid for HZ designation was submitted in April 2015 and was considered by the Challenge Panel on 16 May 2015. It was stated that the bid would unlock and accelerate mixed use development in the Town Centre, which was the area to be covered by the HZ. In particular, it would, it was said, see the delivery of 1150 homes of which 35% were expected to be affordable. Without a HZ, it was said that there would be only 360 homes due to the complexity of the sites. There were included tables which showed the specific sites and numbers of homes on each, split between those to be available between 2015 and 2019 and those after 2019. The numbers given for units with HZ funding amounted to 1553. It is far from clear how the total of 1150 is calculated. It seems that two sites, identified as A around Bromley North Station and G west of the High Street would produce some 530 units. What are described as AAP opportunity sites add some 300. Further, there are an additional 320 which include C (Town Hall) and B (Tweedy Road) and a number of windfall sites. But 620 are said in the Panel's report not to need GLA intervention.
10. There are two tables which give the figures. The first table sets out under the heading 'Without Housing Zone Funding (units completed)' a total of 360 units comprising 200 in Site K (Westmoreland Road) and 160 in Site G. The second table identifies a total of 530 units on Sites A and G and a further 530 units on other identified sites together with windfall sites either to be identified or with existing planning permissions. Finally, there are the 300 under AAP Phase 3. AAP is the Bromley Town Centre Action Plan adopted in October 2010. The table has a column headed 'Direct/Indirect Link' which, in context, can only refer to a link with the HZ designation. Sites A and G have 'Direct' as do three other sites, C and B and one windfall site, totalling 170 units. For the remaining units, there is no entry in the Direct/Indirect column.
11. The Challenge Panel recommended a number of conditions which included a commitment to expedite planning decisions and to turn around all applications within 12 weeks. This was part of the 'something for something' obligation. It was also necessary to show that a number of the sites due for delivery had planning permission by July 2015. The modelling work from TFL due in the summer of 2015 dealing with improvements to the A21 had to show that "the full 1100 units can be built with the interim improvements". It seems that 1100 may be an error for 1150.
12. The Housing Investment Group met on 5 December 2015. In dealing with the LBB bid, the executive summary stated:-

“The Housing Zone proposal is a long term regeneration which has the potential to unlock assets to deliver 1510 homes by 2020 including 320 by 2018.”

The reference to ‘unlocking assets’ seems obvious since the designation must unlock or accelerate the housing development. But, it is accepted that the figure of 1510 was not correct and should read 1150. There then followed a table which replicated that in the Challenge Report, save that the ‘Direct’ inclusion in the Direct/Indirect column which had included 50 of the 100 windfall sites was omitted. Paragraph 1.4 dealing largely with road improvements provided:-

“The original funding ask in October 2014 was £47.5m of which £32.5m was grant and almost half for road improvements on the A21. These were not supported by TFL and could not clearly be limited to housing outputs. The transport element has therefore been reduced for key junction improvements directly limited to Site G and the overall grant....will be conditional on achieving the 35% affordable housing committed to in the bid.”

13. There is what may seem a gloss on this in paragraph 1.14 which states that modelling work for TFL proved the need for improvements to the A21 and that a guarantee could be given that the full 1100 units could be built with the interim improvements. The paragraph continues:-

“TFL corridor work is well underway and supports the removal of the A21 widening from the proposal as TFL do not consider this necessary. TFL have confirmed the minor junction improvements are acceptable to help bring forward Site G development.”

It is not said that, apart from the work to assist Site G, GLA money was required to fund work being done by TFL.

14. The report deals with the 620 units on the further opportunity sites. It repeats in paragraph 3.10 that they do not need GLA intervention but, it is said, they would “add to the number of new homes being delivered within the Housing Zone”. The paragraph concludes, after identifying the various sites and the number of units to be provided in each, as follows:-

“320 of these sites are due for delivery by 2018. 174 are now consented new build and 84 office to residential are underway.”

15. In relation to Site A, paragraph 3.8 stated that a viability assessment had identified the high cost of the enabling infrastructure required on the A21 as a restraint. GLA funding was needed to support an upgraded transport interchange including a relocated bus station and a new rail station office. Site G had run into difficulties because of the failure of market options to enable the development to proceed. Thus it was shown that the HZ designation would enable the units on Sites A and G to go ahead. Since the remaining 620 units on the other sites are said not to need GLA

intervention, it is submitted by Mr Parkinson that they could not properly be included in the minimum 1000 which was required in order to qualify for a HZ designation.

16. In paragraph 3.11 dealing with the 620 units, the report states that a key issue on the interdependencies between the schemes and the Housing Zone as a whole will be the enabling infrastructure required on the A21. The paragraph continues:-

“LB Bromley is looking for the delivery of capacity enhancements to improve access to the town centre for public transport and general traffic. In April 2015, TFL commenced a corridor study to examine potential measures to improve capacity along the routes to/from the town centre and is due to report in the Autumn of 2015. LB Bromley’s housing bid talks in further detail about some of the measures, and provides some cost estimates for the measures.”

Since the report follows a meeting held on 5 December 2015, the references to a report being due in the Autumn of 2015 makes little sense. In paragraph 1.14 which I have already cited, TFL’s report is referred to and that paragraph does not support any need for GLA funding to enable housing development in any of the sites other than A and G to proceed.

17. Paragraph 3.16 deals with LBB’s commitment to affordable housing. It records that in March 2015 LBB approved an allocation of a redacted sum to allow additional affordable units to be delivered on opportunity sites “particularly where schemes are restrained by debility from delivering a policy compliant level of affordable housing”. No doubt that could unlock or accelerate development on particular sites, but nowhere is there an indication that any of the 620 sites need HZ designation for that purpose. It would be inconsistent with the clear statement that none of the sites needed GLA intervention.
18. The 11 additional bids including that from LBB were put to the Mayor for his approval which was given on 17 March 2016. In the detailed consideration of the LBB bid, the executive summary recorded that the HZ proposal was a long term regeneration proposal which had the potential to unlock assets to deliver 1510 homes by 2020. That follows the Housing Investment Group’s wording. It is on any view misleading since it does not accord with the previous figures and is in any event erroneous since to comply with the minimum of 1000 new homes to enable HZ designation to be granted it was accepted that the correct figure was 1150. But the figure of 1510 is identified in the details where it is said:-

“The HZ would create around 1510 new homes of which 35% would be affordable.”

19. It is said that the HZ interventions would assist to facilitate and accelerate the process of development of the town centre bringing advantages both for visitors and residents. That may well be so, but in order to qualify for HZ designation it is necessary to establish that at least 1000 homes need the designation and the GLA funding that would come with it in order to accelerate or unlock the development for which planning permission may already have been granted. Indeed, following the Challenge Report, LBB had been encouraged to and had granted a number of planning

permissions, but only those specifically identified as direct beneficiaries could meet the requirement. That certainly seems to me to be the natural reading of what the Prospectus requires.

20. There has been produced a witness statement from Ms Juman who is the Senior Area Manager South in Housing and Land Directorate for the GLA. She was involved in the assessment of the LBB bid at all stages. Mr Parkinson has objected to the defendant's reliance on her statement in that, he submits, it is an attempt to rewrite the decision. Certainly, the reasons put to the Mayor for approving the bid cannot be supplemented or explained in a way which is not in accordance with what he was then told.
21. In paragraph 17, she says that where the Direct/Indirect column in the tables was left blank, it indicated an indirect link. That is, I am afraid, not acceptable. It is impossible to follow the point of heading the column 'Direct/Indirect' unless, if there is a link, its nature is to be stated. Leaving blank on any sensible construction must convey the information that there is no link, either direct or indirect. It is accepted that no link was shown in relation to 360 units in sites G and K so that the figure of 1510 was reduced to 1150. It is impossible to see any link with the 84 office to residential which were underway (paragraph 3.10 of the Housing Investment Group report). In addition, there is no suggestion made in that report that the 174 which were "consented new build" required the HZ designation to enable them to proceed. Thus, without consideration of the 620 which were said not to need GLA intervention, the minimum of 1000 is not reached.
22. Ms Juman seeks to rely on the A21 improvements citing somewhat extraordinarily in a statement made on 11 October 2016 the TFL corridor study which, she says was due to report in the summer of 2015. I have already dealt with that. She also refers to LBB's approval for funding to achieve the 35% affordable housing. Under the heading 'Expedited and improved decision making and GLA involvement' she says in paragraph 30:-

"The Further Opportunity sites will benefit from the improved and expedited development control processes in Bromley. Indeed, [LBB] granted permission for Site C (Town Hall) in November 2015. Moreover the preparatory work leading up to the designation of the Housing Zone contributed directly to this."

Preparatory work done in order to achieve the designation cannot meet the minimum 1000 home requirement unless it can be shown that any permissions granted on developments expected will need the designation either to unlock or to accelerate them.

23. The language of the Prospectus is in my view clear. The advantages of the HZ designation to which Ms Juman refers are certainly of importance and will clearly be a relevant consideration. Paragraph 66 of the Prospectus requires in b. evidence that the proposed interventions will "unlock or accelerate the quantum of housing outputs proposed". Those outputs are set out in the details, namely the total of 1510. Condition c., which refers to the 1000 minimum, must in context mean that it has to be shown that at least 1000 of those outputs will be unlocked or accelerated by the

designation. It is clear that only sites A and G needed the interventions or the GLA funding. I am afraid I cannot accept the arguments based on Ms Juman's evidence that it is sufficient to show that there would be advantages when the designation was granted. The need for it to be shown that there are developments for a minimum of 1000 units which require designation to unlock or accelerate them is clear. This is understandable since no doubt there would have been a number of competing applications and the amounts of money payable by the GLA are significant.

24. It follows that for the reasons I have set out I cannot accept Mr Williams' submissions. The documentation provided by the Mayor was regrettably somewhat misleading in that the 1510 figure (or 1486, wherever that came from) was put forward, albeit there was a subsequent reference to 1150. But, as I have said, the natural meaning of the Prospectus is in my judgment clear and means what Mr Parkinson submits it means.
25. I would only add that it is not suggested that the claimant did not have standing to pursue this claim. It is involved in the promotion of land for housing development in inter alia LBB and asserts that the designation on the basis of the development proposals put forward by the LBB will prejudice it.
26. In the circumstances, the Mayor's decision to designate the Housing Zone in accordance with the LBB application must be quashed. I will hear counsel on the precise nature of any relief and ancillary orders.

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