



PROOF OF EVIDENCE FOR LONDON BOROUGH OF BROMLEY

PROOF OF EVIDENCE OF BEN JOHNSON

Appeal by Ringers Road Properties Ltd

2-4 Ringers Road and 5 Ethelbert Road, Bromley, BR1 1HT

PINS Ref: APP/G5180/W/24/3340223

LBB Ref: 21/05585/FULL1

I am Ben Johnson. My current position is Head of Planning Policy and Strategy at the London Borough of Bromley. I have worked as a town planner for 15 years, entirely in planning policy/spatial planning, both at a regional and local authority level, in London and North East England.

I hold a Bachelor of Arts Honours Degree in Town Planning and a Postgraduate Diploma in Town Planning from Newcastle University. I am a Full Chartered Member of the Royal Town Planning Institute.

The evidence which I have prepared and provide for this appeal (in this proof of evidence) is true to the best of my knowledge and has been prepared and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed in this proof of evidence are my true and professional opinions.

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1. Introduction

- 1.1. This proof of evidence provides detail of the planning policy context relating to refusal reason 2 (RfR2):

The proposed development, by reason of not providing any larger family sized units (3 bedroom +), would fail to address the identified need in the Borough, contrary to London Plan Policy H10 and Local Plan Policy 1 and policy 2.

- 1.2. My proof of evidence focuses on the housing size mix policy requirements set out in London Plan policies H10 and Local Plan policies 1 and 2, including the evidence base which underpins these policies, and sets out the weight that should be given to the proposed housing size mix.
- 1.3. My proof of evidence then provides an assessment of the proposed affordable housing provision, setting out the weight that the Council considers should be attributed to this provision.
- 1.4. Finally, my proof of evidence provides an assessment of housing land supply issues and sets out the weight that the Council considers should be attributed to the proposed housing supply provision.
- 1.5. While my proof of evidence provides commentary on the weight to be given to certain aspects of the appeal scheme, it does not discuss overall planning balance. This is set out in the evidence of Karen Daye.

2. Housing size mix

- 2.1. The adopted Development Plan is made up of the Bromley Local Plan (2019) [CD4.1] and the London Plan (2021) [CD4.3]. I note upfront that these documents were prepared and examined against the NPPF 2012, and both documents were adopted prior to the publication of the latest version of the NPPF in December 2023. However, I consider that both the Bromley Local Plan and the London Plan are consistent with the latest version of the NPPF.
- 2.2. As originally submitted, the application proposed 37 x one bedroom units (39%) and 57 x two bedroom units (61%). Following the reconfiguration of internal layouts during the application determination process, the number of two bedroom dwellings was reduced further, resulting in the final mix comprising of 53 x one bedroom units (56%) and 41 x two bedroom units (44%). This unit size mix is unchanged in the appeal scheme.

Local Plan policies 1 and 2

- 2.3. Local Plan policy 1 identifies locations and types of development that will help to achieve the Council's housing target. Paragraphs 2.1.17 and 2.1.18 highlight findings from the 2014 South East London Strategic Housing Market Assessment (SHMA) [CD6.9] in terms of the required housing size mix of any housing supply that comes forward under Local Plan policy 1; the highest level of need across tenures within the Borough up to 2031 is for one bedroom units

(53%) followed by two bedroom (21%) and three bedroom (20%) units. Larger development proposals (i.e. of 5+ units) should provide for a mix of unit sizes and considered on a case by case basis.

- 2.4. Local Plan policy 2 concerns provision of affordable housing in Bromley. Paragraph 2.1.30 highlights the unit size targets for affordable dwellings, with reference to the 2014 SHMA:

“Sites that trigger the affordable housing policy should provide a mix of unit sizes in light of the information set out in the SHMA which shows a need for 1-3 bedroom units (with 1 and 2 bedroom units having a higher need). Currently, the highest level of need is for two bedroom units as reflected on the Council’s Housing Register... Individual sites will be considered on a case by case basis in consultation with the Council’s Housing Division.”

- 2.5. Information from Bromley’s Housing Register (as of end of March 2024, shown at Table 1) has been provided by the Council’s Housing team. This information shows need for a range of unit sizes; over a third of the total need from the Register is for three bedroom + properties.

Table 1: Extract from Bromley Housing Register (as of end of March 2024)

	0 - 1 bed	2 bed	3 bed	4 bed	5 bed	6 bed	7 bed	Total
Band E	7	4	20	9	1	0	0	41
Band 1	414	159	182	124	22	7	0	908
Band 2	349	577	363	95	11	1	0	1396
Band 3	265	111	285	56	6	0	0	723
Band 4	97	61	42	10	0	0	0	210
Total	1132	912	892	294	40	8	0	3278
% bed size requirement	34.5%	27.8%	27.2%	9.0%	1.2%	0.2%	0.0%	

- 2.6. This information is helpful to illustrate that there is a continuing and increasing need for three bedroom units, essentially equal to the need for two bedroom units.

London Plan policy H10

- 2.7. London Plan policy H10 Part A states that schemes should generally consist of a range of unit sizes and sets out criteria which should be considered when determining the appropriate housing mix of a scheme. Paragraphs 4.10.3 and 4.10.4 recognise the role that one and two bedroom units play in meeting housing need and freeing up larger housing stock elsewhere; but also note that one bedroom units in particular are the least flexible unit type¹ so schemes should generally consist of a range of unit sizes.

¹ Flexibility in this context relates to the ability of a unit type to accommodate a range of occupiers e.g. single people, couples, families, etc.

- 2.8. The policy and supporting text notes that the 2017 London SHMA [CD6.10] is a key reference point for establishing an appropriate unit size mix. Table 2 below, which is taken from the London SHMA (2017), shows the net annualised requirement for homes by tenure and size; across all tenures, this shows that one bedroom units are most in demand (55%), followed by two bedroom units (16%), three bedroom units (14%) and four bedroom + units (15% in total).

Table 2: extract from Table 13 of London SHMA 2017

	1b	2b	3b	4b+	Total	% of total
Market	10,682	2,043	4,101	6,210	23,037	35%
Intermediate	4,334	3,434	2,409	1,693	11,869	18%
Low cost rent	21,318	5,311	2,462	1,881	30,972	47%
Total	36,335	10,788	8,971	9,783	65,878	100%

- 2.9. Similar to the up to date information from the Bromley Housing Register, the information from the 2017 London SHMA shows a broadly equitable need for two bedroom and three bedroom units.
- 2.10. The Housing Design Standards London Plan Guidance (LPG) document [CD8.5] provides further guidance on policy H10. Paragraph 2.1.2 of the LPG states:

“The layout of any development will be influenced by a wide range of factors. As a result, only a rigorous design process will identify the tensions and priorities and find the solution that, on balance, will produce the best all round solution. Large developments should provide a wide range of dwelling types and tenures.”

- 2.11. Design standard A2.2 of the LPG states that all types of housing development should:

“Ensure that the mix of dwelling types reflects strategic and local need and recognises the importance of mixed and inclusive communities. Large developments should aim to deliver a wide range of housing tenures and typologies and respond to specific local needs...”

- 2.12. Table 3 sets out my commentary on how the appeal scheme seems to have taken into account the policy H10 Part A criteria. The policy does not require every criterion to be addressed, although there is a reasonable expectation that applicants should have some regard to all criteria with efforts made to justify any instances where an application does not address a specific criterion (either in full or in part). No attempt has been made to do this. Given the lack of information provided by the Appellant, and my assessment set out below, I consider that the appeal scheme is not compliant with London Plan policy H10:

Table 3: assessment of appeal scheme against London Plan policy H10 Part A criteria

London Plan policy H10 Part A criterion	Comments
1) robust local evidence of need where available or, where this is not available, the range of housing need and demand identified by the 2017 London Strategic Housing Market Assessment	Local evidence of need dates from 2014 but is broadly consistent with evidence of need identified in the 2017 London SHMA. The updated information from the Bromley Housing Register (see Table 1) is also considered relevant to this criterion. Given the complete lack of three bedroom units in the appeal scheme, the appeal scheme clearly does not reflect local need and therefore I consider that the appeal scheme has clearly had no regard to this criterion.
2) the requirement to deliver mixed and inclusive neighbourhoods	No information has been provided regarding the overarching unit mix in the local area/neighbourhood, and how the appeal scheme would interact with the existing area; therefore it is not possible to conclude on whether this criterion has been considered. Paragraph 4.10.2 of the London Plan notes that, in terms of delivering mixed and inclusive communities, a neighbourhood may currently have an over-concentration of a particular size of unit and a new development could help redress the balance. No evidence has been provided to set out that this is the case with the appeal scheme.
3) the need to deliver a range of unit types at different price points across London	No evidence has been provided to suggest that any regard has been given to this criterion. The appeal scheme is predominantly one and two bedroom market units, which could not reasonably be considered to be the 'range of unit types at different price points' envisaged by the policy criterion.
4) the mix of uses in the scheme	The appeal scheme is residential-led and includes an element of Use Class E commercial floorspace. I accept that there may be instances where the need to provide a mix of uses on a site might limit options for housing provision and therefore inform the chosen housing size mix. However, this is not the case

London Plan policy H10 Part A criterion	Comments
	with the appeal scheme; the proposed mix of uses does not limit the potential for a range of unit sizes. Therefore, I consider that the appeal scheme has clearly had no regard to this criterion.
5) the range of tenures in the scheme	The range of tenures proposed does not seem to have influenced the proposed unit size mix at all. The application scheme proposed a greater number of affordable units but still only included one and two bedroom units. The appeal scheme has reduced the proposed affordable provision and remains exclusively one and two bedroom units. Due to the lack of any changes as part of the amended scheme, I consider that the appeal scheme has clearly had no regard to this criterion.
6) the nature and location of the site, with a higher proportion of one and two bed units generally more appropriate in locations which are closer to a town centre or station or with higher public transport access and connectivity	<p>The appeal scheme housing size mix seems to have been solely informed by this specific criterion, given that Paragraph 7.52 of the Planning Statement (January 2022) [CD1.48] only references this criterion in the limited explanation of the drivers behind the proposed unit size mix.</p> <p>The Council recognises, in paragraph 6.1.35 of the committee report, that development in this location could justify the delivery of predominantly smaller units. However, it is the complete lack of 3-bed + units that concerns the Council; it is important to note that the policy H10 criterion does not advocate schemes with <u>only</u> one and two bedroom units, it advocates a 'higher proportion' of these unit sizes.</p>
7) the aim to optimise housing potential on sites	No evidence has been provided to suggest that any regard has been given to this criterion. The appeal scheme seems to have been designed to maximise the number of units provided rather than optimise housing potential by taking into account other relevant policy requirements; this is

London Plan policy H10 Part A criterion	Comments
	recognised in paragraph 6.1.36 of the committee report.
8) the ability of new development to reduce pressure on conversion, sub-division and amalgamation of existing stock	No evidence has been provided to suggest that any regard has been given to this criterion; for example, there is no commentary on patterns of development for conversions, sub-division or amalgamation in the local area. I would expect such information to have been provided as a bare minimum if this criterion had been relied upon as a key part of arriving at the proposed housing size mix.
9) the need for additional family housing and the role of one and two bed units in freeing up existing family housing.	No evidence has been provided to suggest that any regard has been given to this criterion. The appeal scheme proposes no direct provision of family housing (three bedroom + units). In terms of freeing up existing family housing, no information has been provided to set out that this was a key driver behind the proposed size mix; for example, there is no commentary on the extent of under-occupation of family housing in the local area.

2.13. The GLA Stage 1 report [CD3.2], paragraph 29, references the requirements of London Plan policy H10, specifically noting the need to consider housing need and demand, the nature and location of a site, the requirement to optimise housing potential and deliver mixed and inclusive neighbourhoods, as part of determining an appropriate housing size mix. Paragraph 30 of the Stage 1 report recognises that while the location of the appeal scheme might lend itself to a higher level of smaller units, some family sized units (i.e. three bedroom +) should be provided (based on discussions with the Council on local housing need evidence).

2.14. The GLA Stage 2 report [CD3.5], paragraph 43, references the Council's committee report and lack of provision of family housing, and emphasises that the application is contrary to London Plan policy H10 on housing mix. Although the Mayor elected not to intervene in the determination of the application, paragraph 67 of the GLA Stage 2 report highlights that housing mix is one of the outstanding matters that should be addressed in any appeal.

Conclusion on proposed housing size mix

2.15. Based on the scant information provided by the Appellant, it is evident that housing size mix policy set out in Local Plan policies 1 and 2, and London Plan policy H10 have not been actively considered. Instead, the Appellant seems to

have proposed a unit size mix informed by a desire to maximise the number of units that can be accommodated on site, with more smaller units meaning that more units can be provided overall.

- 2.16. Policies relating to size mix are set out in the adopted Development Plan. They are not an optional extra that the Appellant should address if they so wish. I recognise that the policies are flexible and do not set out a prescriptive size mix in terms of setting a specific proportion of different sized units to be delivered. However, the policies do set out broad requirements for a mix of units. The issue in the appeal scheme is that the Appellant seems to have completely ignored the need for three bedroom units, thereby ignoring a not inconsequential element of Bromley and London-wide housing need.
- 2.17. While the supporting information which underpins relevant policies (2014 SHMA for the Local Plan; 2017 London SHMA for the London Plan) is now 5-10 years old, there is no suggestion that this evidence has changed radically in the period since it was produced. Indeed, information from Bromley's Housing Register (as shown in Table 1) shows that there is a continuing need for three bedroom units.
- 2.18. This is something that recent major applications in the borough have recognised and responded to. Table 4 sets out the unit size mix proposed for major residential-led applications² considered by Bromley's Development Control Committee since April 2023 (which I consider to be a relevant timeframe to illustrate this issue). The only application which did not propose any three bedroom + units was the appeal scheme.

Table 4: housing size mix proposed by recent major residential-led planning applications considered by Bromley's Development Control Committee.

Application reference number and address	% of one bedroom units	% of two bedroom units	% of three bedroom units	% of four bedroom + units
22/01340/OUT, Bromley Ski Centre, Sandy Lane, BR5 3HY	5%	70%	25%	0%
23/01547/FULL1, Car Park, Station Road, Bromley	47%	37%	16%	0%
21/05585/FULL1, 2-4 Ringers Road and 5 Ethelbert Road, Bromley, BR1 1HT	56%	44%	0%	0%
23/00178/FULL1, Blenheim Shopping Centre, High Street, Penge, London, SE20 8RW	44%	50%	6%	0%
23/03484/OUT, 53 Jail Lane, Biggin Hill, TN16 3SE	36%	36%	28%	0%

NB: percentages may not add to 100% due to rounding

² This does not include non-self-contained residential schemes.

- 2.19. As set out in the Council's statement of case, paragraph 6.14, it is evident that the Appellant's approach has been solely focused on maximising the number of residential units rather than justifying the proposed size mix in terms of addressing relevant policy and local need. The appeal scheme has not sought to provide a range of unit sizes and is therefore not compliant with Local Plan policies 1 and 2, or London Plan policy H10.
- 2.20. Notwithstanding this, I recognise that the proposed one bedroom and two bedroom units do meet some defined local need and therefore should be given weight in this appeal. I consider that the scheme should not benefit from significant/substantial weight given the complete lack of larger units, but it could reasonably be given **moderate weight**.

3. Affordable housing

- 3.1. The appeal scheme includes provision of 12% affordable housing (by habitable room) with an acceptable tenure mix in line with the requirements of the Bromley Local Plan policy 2 and the London Plan policy H6. This proposed quantum has been justified through the viability tested route, through submission of a financial viability assessment which has been agreed with the Council. The proposed affordable housing is an acknowledged benefit of the appeal scheme, although this is wholly dependent on the affordable provision and relevant early and late stage review mechanisms being properly secured through a legal agreement.
- 3.2. The weight given to this benefit should be informed by consideration of affordable housing need; and affordable housing delivery rates in Bromley and London-wide.

Affordable housing need

- 3.3. I acknowledge the broad need for more affordable homes in Bromley, London and across the UK, and that this could be termed a 'housing crisis' or similar. There is a litany of publications and research reports from a variety of organisations and commentators that are not necessary to repeat here, save to say they all agree that decisive action is needed at national, regional and local level to tackle the affordability crisis.
- 3.4. Housing need, both overall and affordable, is a key consideration for plan-making, albeit housing need identified for planning purposes does not directly translate into a specific housing requirement. Planning Practice Guidance (PPG)³ defines housing need as follows:

"Housing need is an unconstrained assessment of the number of homes needed in an area. Assessing housing need is the first step in the process of deciding how many homes need to be planned for. It should be undertaken separately from assessing land availability, establishing a housing requirement figure and preparing policies to address this such as site allocations."
- 3.5. The 2017 London Strategic Housing Market Assessment (SHMA) [CD6.10] identified need for circa 66,000 additional homes per year across London. Within overall need, 65% (circa 42,500) was affordable need.
- 3.6. The London SHMA informed the policies of the new London Plan, which was adopted in March 2021. The London Plan includes a housing requirement of circa 52,000 homes per year across London, derived using a capacity-based approach rather than being directly informed by housing need.
- 3.7. Paragraph 4.1.2 of the London Plan states:

³ Planning Practice Guidance, Housing and economic needs assessment, Paragraph: 001 Reference ID: 2a-001-20190220, Revision date: 20 02 2019, available from: <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>

“For the purposes of the Plan, London is considered as a single housing market area, with a series of complex and interlinked sub-markets. The advantage of strategic planning is that it allows London to focus development in the most sustainable locations, allowing all of London’s land use needs to be planned for with an understanding of how best to deliver them across the capital. Because of London’s ability to plan strategically, boroughs are not required to carry out their own housing needs assessment but must plan for, and seek to deliver, the housing targets in this Plan. These have been informed by the SHLAA and the SHMA.”

- 3.8. The London Plan takes a plan-led approach to meeting housing need. It is acknowledged that the London Plan does not meet overall housing need or affordable housing need in full, but this is a deliberate approach, balancing the need to provide new housing with the need to limit development in unsustainable locations. Viability constraints also affect the ability of plan-making authorities to fully address affordable housing need.
- 3.9. The most recent local evidence on affordable housing need is set out in the 2014 South East London SHMA [CD6.9]. The primary role of the SHMA was to inform the preparation of the Local Plan, particularly policies on housing mix and tenure. The 2014 SHMA sets out headline affordable housing need figure of around 1,400 units per annum. While this figure reflects the scale of need as of 2014, which aligns with the consensus I have noted above around the scale of affordable housing need more broadly, I note that the SHMA figure was not intended to be a direct target; it is a starting point for establishing affordable housing policy. PPG⁴ confirms this:

“The total affordable housing need can then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, taking into account the probable percentage of affordable housing to be delivered by eligible market housing led developments. An increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes.”

- 3.10. As the above PPG extract states, in arriving at an affordable housing requirement, deliverability of affordable housing is a key consideration, particularly impacts on viability.
- 3.11. Consideration of viability during the plan-making process limits the amount of affordable housing we can seek through policy. In effect, affordable housing need can never be met in full through the planning system; even if we assumed 100% of Bromley’s housing delivery would be affordable, we would only meet just over half the annual need identified in the SHMA 2014 (based on delivering our housing target of 774 units per annum).

⁴ Planning Practice Guidance, Housing and economic needs assessment, Paragraph: 024 Reference ID: 2a-024-20190220, Revision date: 20 02 2019, available from: <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>

3.12. In terms of tenure, the 2014 SHMA identifies social/low cost rent as the priority tenure for meeting affordable housing need (approximately two thirds of the overall need). The 2017 London SHMA, which informed the housing policies of the adopted London Plan, sets out London-wide affordable housing need over the plan period, of which over 70% is need for low cost rent (such as social rent).

Affordable housing delivery

3.13. The Mayor of London's latest affordable housing statistics (up to March 2024)⁵ set out affordable starts and completions based on information from a range of sources including GLA affordable housing funding programmes. I acknowledge that these are gross figures, but I am not aware of any significant losses of affordable housing over this period, for example through estate regeneration schemes. Therefore it is likely that the gross figure will be akin to any net figure.

3.14. Table 5 sets out the totals for affordable housing starts and completions since 2009/10, with total net housing completions provided for reference:

Table 5: Bromley affordable housing starts and completions, 2009/10 to 2023/24

	Total Affordable Starts	Total Affordable Completions (Gross)	Total Housing Completions (Net)
2023/24	33	29	Not available
2022/23	423	235	399 (<i>provisional</i>)
2021/22	136	27	120
2020/21	285	11	436
2019/20	23	109	649
2018/19	125	171	872
2017/18	281	88	718
2016/17	6	74	1,022
2015/16	110	86	864
2014/15	132	204	575
2013/14	145	54	313
2012/13	80	332	856
2011/12	160	357	740
2010/11	435	497	738
2009/10	391	279	625
TOTAL	2,765	2,553	8,929

Source: DLUHC Live Table 122 (accessed 04/06/2024); GLA Affordable Housing Starts and Completions (to end of March 2024)

3.15. Over the period 2009/10 to 2021/22, where final figures are available, 27% of completions were affordable. 51% of affordable starts over this period were for social rent or London Affordable Rent (LAR) at social rent benchmarks; this tenure is considered to best address affordable housing need. 47% of affordable completions over the period were for social rent (LAR) at social rent benchmarks.

⁵ Available from: <https://www.london.gov.uk/sites/default/files/2024-05/GLA-stats-general-programmes-Q4FA.pdf>

Conclusion on affordable housing

- 3.16. In conclusion, I acknowledge the importance of affordable housing delivery and note it is a priority in the Local Plan and London Plan. Such delivery will also help to contribute towards tackling the national housing crisis. This positive contribution has informed my consideration of the weight that should be given to the proposed affordable housing delivery, alongside an assessment of consistency with Development Plan policy.
- 3.17. I consider that the proposed affordable housing offer, 12% of habitable rooms with an acceptable tenure mix, is a modest contribution to affordable housing supply. In my opinion this modest level of provision should be afforded **substantial weight**.
- 3.18. In attributing this weight (and weight to market housing supply set out in section 4 below), I have also considered the application of the 'tilted balance'. I consider that the relevant Development Plan policies should continue to have full weight, as they remain consistent with the objectives of the NPPF; and they are not unduly restrictive to the delivery of new housing. I acknowledge that the dismissal of the appeal would result in market and affordable housing not coming forward, but this is not due to an issue with the policies; it is due to the fact that other aspects of the proposal are poorly conceived, particularly in terms of design and residential amenity.

4. Housing land supply

- 4.1. As set out in the Council's statement of case [CD10.1], paragraphs 7.2 to 7.4, it is accepted that the Council cannot demonstrate a five year housing land supply (FYHLS). The Council's considers the current FYHLS position is 2.96 years, which is recognised as a very significant undersupply. Taking this into account, the provision of 88 net additional units to the Borough's housing supply should attract **very substantial weight**.
- 4.2. The Appellant has suggested that the FYHLS is 2.4 years, and that as the level of supply has fallen below 2.5 years (i.e. half the proposed housing delivery requirement), this gives the issue some sort of additional prominence. I consider this is an erroneous view. There is no policy or guidance relating to FYHLS that indicates that any level of supply has particular prominence, other than the five year threshold itself. There is no symbolic threshold that would lend additional weight to the FYHLS; the level of undersupply is a judgement for the decision maker. The Appellant's suggested artificial threshold should be given no credence.
- 4.3. In this case, the Council recognises that the level of undersupply is very significant, which is a key factor in the weight that the Council considers should be given to the proposed housing supply. I note that the weight I have attributed to the proposed housing supply has included consideration of the 'tilted balance', as set out in paragraph 3.18 above.

Small sites and windfall allowance

- 4.4. The Council's latest published FYHLS position is set out in the Bromley Housing Trajectory published in November 2021 [CD6.12]; the Council is in the process of updating this with an update likely to be published in Autumn 2024. While the headline FYHLS figure has been revised (as noted above), the Council's approach to small sites projections within the FYHLS period is still relevant. Paragraphs 3.13 to 3.20 set out the methodology which underpins these projections, which can be summarised as follows:
- Years 1 and 2 – the Council's methodology for projecting small sites relies on extant small sites permissions (minus a lapse rate) in the first two years of the FYHLS period. Due to issues with data availability when the November 2021 trajectory was produced, up to date information on extant small sites permissions was not available. Therefore, the Council tweaked the usual methodology to account for this, by using some trend based assumptions to supplement actual data on approvals and completions:
 - The starting point was to use the small sites extant permissions from the previous iteration of the trajectory (September 2020), minus a lapse rate.
 - An assumption was then made on the level of small sites completions that would have occurred in 2020/21, and deducted from the total permissions.
 - An assumption for small sites permitted in 2020/21 was then added (minus a lapse rate).

- Years 3 to 5 – the projections in these years use the London Plan small sites target as a windfall assumption.

4.5. In terms of the use of the London Plan small sites target as a windfall, this is justified by paragraph 4.2.3 of the London Plan, which states:

“The small sites minimum targets in Table 4.2 are informed by the 2017 London SHLAA and show the potential capacity for additional housing on sites of less than 0.25 hectares in size. The targets are based on trends in housing completions on sites of this size and the estimated capacity for net additional housing supply from intensification in existing residential areas, taking into account PTAL, proximity to stations and town centres, and heritage constraints. The small sites targets are a component of, and not additional to, the overall housing targets. The relative contribution from large and small sites in each borough may fluctuate across the target period, providing the overall 10 year borough target is met in a way that is consistent with the policies in the Plan. The small sites target can be taken to amount to a reliable source of windfall sites which contributes to anticipated supply and so provides the compelling evidence in this respect required by paragraph 70 of the National Planning Policy Framework of 2019.”

4.6. The London Plan inspectors report [CD8.26] included specific discussion of the windfall allowance, and clearly concluded (at paragraph 174) that reliance on the small sites target as a windfall allowance was justified:

“The contribution of small sites amounts to about 12,000 per annum. This includes both modelled sites with an annual growth rate of 0.3% and other windfall sites and, in future, can be taken to be a reliable source of supply for the purposes of paragraph 70 of the 2019 NPPF as an expected future trend. This should be confirmed in the supporting text.”

4.7. The approach was considered appropriate at a recent planning inquiry in Bromley [provided at Appendix 6 of the Council’s Statement of case, CD10.1], at the Former Sports Ground, Worsley Bridge Road, Beckenham. Paragraphs 80 to 82 discuss the different approaches to projecting small sites delivery, and the Inspector concludes that the Council’s approach is justified:

“80. Policy H2 of the LP requires boroughs to pro-actively support well-designed new homes on small sites in order to achieve targets which are set out in Table 4.2 of the LP. The target for Bromley is 3,790 dwellings over a 10-year period, or an average of 379 dpa. Paragraph 4.2.3 of the LP explains that the targets are informed by the 2017 London Strategic Housing Land Availability Assessment (SHLAA), they are based on trends in completions on small sites and the estimated capacity for additional supply from intensification. That paragraph states that the small sites target can be taken to amount to a reliable source of windfall sites which contributes to anticipated supply and so provides the compelling evidence in this respect required by the Framework.

81. The appellant has used actual rates of delivery on small sites over the period 2011-2020 which average 302 dpa. This assessment takes into account

past fluctuations in the economic cycle but also reflects past low levels of delivery. Nonetheless it has the advantage of using empirical evidence.

82. There will inevitably be uncertainties in the Council's assessment of supply from small sites. The target to be achieved under Policy H2 of the LP is over 10 years and there will likely be fluctuations in delivery rates over that period. However, paragraph 4.2.3 of the LP supports the use of the target in calculating supply from small windfall sites. Accordingly, this aspect of the Council's calculation is justified."

- 4.8. In summary, I consider that the Council's approach is more sophisticated than the Appellant's simplistic trend based approach, as it accounts for extant permissions as well as trend-based assumptions, and utilises a windfall assumption set out in an adopted Development Plan document. An entirely trend based approach, as suggested by the Appellant, does not reflect the step-change in small sites policy set out in the London Plan as it locks in past delivery rates.
- 4.9. For information, if the Appellant were to accept the windfall assumption set out in the London Plan and applied this to their approach to calculating windfall, this would give a total of 1,895 dwellings from small sites (5 x 379 dwellings per annum); this compares to 1,510 dwellings from small sites assumed by the appellant currently. This would increase the Appellant's FYHLS total by approximately 0.36 years to 2.76 years.

Disputed large site

- 4.10. The appellant is disputing the projected delivery from a permitted site within the FYHLS - Land at junction with South Eden Park Road and Bucknall Way (application reference: 19/01543/FULL1).
- 4.11. The appellant has suggested that, as there is less than two years to go before the end of the FYHLS period, and applications have not been made to discharge the conditions relating to above ground works, there is no realistic prospect that this scheme will now be complete by the end of the FYHLS period (31 March 2026).
- 4.12. I disagree. The scheme was implemented in November 2022 and all pre-commencement conditions which allow ground works to proceed have been discharged. A Section 73 application to vary conditions 2 and 4 (application reference: 19/01543/RECON3) was approved in December 2023; the Planning Statement submitted with this application (dated May 2023) noted that "[t]he development is currently under way with the basement car park, piling and other engineering works forming the first phase of the development." This is confirmed by a site visit in June 2024; there is development hoarding around the site and evidence of ongoing activity.
- 4.13. Taking this into account, I consider that there are no significant barriers that would prevent this permission from being fully delivered by March 2026.