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24<sup>th</sup> March 2014

**By Email & Post**

Dear Sirs,

**London Borough of Bromley – Draft Policies and Designations Document February 2014  
Representations on behalf of KICC The Open Door (KICC)**

We are instructed by KICC The Open Door (KICC) to make representations on the above document. In particular, our representations relate to the former Gala Bingo Hall, 25 Church Road, Anerley, London, SE19 2TE.

By way of background, KICC purchased the former Gala Bingo Hall in June 2009 from the Gala Group who ceased using the property as a bingo hall at that point. KICC purchased the property with the intention of using the building for a place of worship as well as a range of other activities and community uses.

Further to these aspirations to use the premises as a place of worship, a planning application for its change of use to D1 purposes was submitted to London Borough of Bromley on 13<sup>th</sup> August 2009 (Ref 09/02202/FULL). The application was refused on 21<sup>st</sup> December 2009. Since the time of the refusal KICC have continued to own the building and have gone to considerable expense refurbishing and modernising the premises. The building has not been used as a place of worship. However, a number of events have been run from the site within the D2 Use Class.

A pre-application enquiry (Ref/PREAPP/12/00101) with regards to a subsequent change of use application comprising use class D1 and D2 (place of worship and non-religious assembly and leisure uses) was submitted to the Local Planning Authority on 17<sup>th</sup> March 2014. The first formal pre-application meeting with the planners is scheduled for 14<sup>th</sup> April 2014.

The Church's proposed use of the building would be as both a place of worship and for continued D2 use that will be valued by the local community. Its proposed use is consistent with policy C1 of the adopted Bromley UDP which relates to community facilities and states that:-

***"A proposal for development or change of use that meets an identified health, education, social, faith or other needs of particular communities or areas of the Borough will normally be permitted provided that it is accessible by modes of transport other than the car and accessible to the members of the community it is intended to serve. Planning permission will not be granted for proposals that would lead to the loss of community facilities unless it can be demonstrated that there is no longer a need for them or alternative provision is to be made in an equally accessible location."***

It is against this background and the churches' proposed use of the property that these representations are made. Our specific comments in reference to the emerging Local Plan are set out below.

### Vision and Objectives – Page 16

Our client supports the fourth objective of the emerging Local Plan in relation to health and wellbeing. That objective is:-

- Ensure new community facilities are appropriately located to provide accessible, effective and modern services, and resist the net loss of facilities.

In the context of this objective it must be acknowledged that identified centres represent appropriate locations to direct community facilities. Indeed our client's proposed use of the property as a place of worship is a community use and would be wholly consistent with this objective. Its use would attract a significant number of people and it is right and proper that it be located within an appropriate location (i.e. an identified District Centre). With a PTAL rating of 6A it is exactly the type of location to which development of the form and nature proposed should be directed.

### Vision and Objectives – Page 19

Our clients also support the 2<sup>nd</sup> objective of the emerging local plan in relation to town centres which remarks:-

- Encourage a diverse offer in town centres, including shops and markets, services, leisure and cultural facilities as well as homes.

A mixed use building for both religious and community purposes would deliver against this objective.

### Proposed Policy 6.1 Community Facilities (Page 61)

Our client generally agrees with draft policy 6.1 (Community Facilities) which states the Council's aspiration to promote, enhance and retain community facilities (including places of worship) in order to promote the quality of life and the health and wellbeing of those living and working in the Borough.

The draft policy also specifically encourages development which meets an identified need for such community facilities to be located to maximise accessibility.

Clarification is, however, sought on paragraph 3 of proposed policy 6.1. This states that:-

***“Planning permission will not be granted for proposals that would lead to the loss of community facilities, unless alternative enhanced provision is to be made in an equally accessible location for the community it serves, or it can be demonstrated that there is no longer a need for them or other forms of social infrastructure.”***

The policy builds upon 3.16 of the London Plan which relates specifically to the protection and enhancement of social infrastructure and remarks: ***“London requires additional and enhanced social infrastructure provision to meet the needs of its growing and diverse population”***. Against this background, the policy then goes on to state that in the context of planning decisions:-

***“Development proposals which provide high quality social infrastructure will be supported in light of local and strategic social infrastructure needs assessments. Proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure, without realistic proposals for re-provision should be resisted.”***

Importantly, in the supporting text to policy 3.16 of the London Plan paragraph 3.89 states that:-

***“Existing or new developments should, wherever possible, extend the use of facilities to serve the wider community, especially within regeneration and other major development schemes. Shared and extended use of facilities, including those of schools, commercial and community based organisations can help ensure the effective use of resources and land, encourage joined up and coherent service delivery and shared maintenance and management costs. It can also help minimise travel distances for users and encourage community participation and inclusion.”***

Crucially, wherever possible the multi-use of premises is actively encouraged through the London Plan. As currently drafted we suggest that policy 6.1 is too prescriptive in that it fails to recognise the multi-use of premises and the ability of such proposals to ensure the maximum potential for future use of important buildings within the Borough. This is particularly the case where it can be demonstrated that there is no longer a demand for the continued leisure use of a particular building.

Our clients also object in the strongest possible terms to the final paragraph of emerging policy 6.1. This states that, in respect of facilities identified by local communities as having significant value, planning permission for alternative uses will only be considered where it can be demonstrated that no prospective purchasers exist that would be willing to pay both a suitable price and maintain the existing use. The draft supporting text confirms that this will need to be demonstrated through the submission of a six month marketing exercise with any planning application.

This policy goes far beyond the limitations placed upon the operation of the Assets of Community Value Scheme as provided through the Localism Act (2011) and Assets of Community Value (England) Regulations 2012.

For example, once a building or parcel of land is identified as an Asset of Community Value the owner is obliged to give notice to the local authority of any intention to sell. There is then a process which brings this to the attention of the community and gives them the opportunity to make an offer. That is as far as the process goes. There is no obligation on the owner to sell or to give the community group a right of first refusal. It is essentially there to provide a window of opportunity ensuring such community groups avoid missing the opportunity to negotiate an agreeable sale (for both parties).

In this first instance we have concerns with regards to how a ‘suitable price’ is defined. What is suitable for the purchaser clearly may not be suitable for the seller. This requires clarification.

The wording of the policy is, in our opinion, flawed. It does not distinguish between appropriate planning applications (i.e. mixed use schemes retaining an element of community uses could be acceptable). It also fails to recognise incidents where the previous use of a building is unviable and that new schemes (including co-location of facilities and mixed use schemes) may be of equal if not increased benefit to the local community. As drafted, the policy is far too prohibitive.

#### **Policy 6.2 – Opportunities for Community Facilities**

Our clients support the principles of policy 6.2 and in particular enabling community uses in town and district shopping frontages. The policy also actively encourages the development of community “hubs” – providing a range of social infrastructure on accessible existing community sites alongside the creative use of buildings in delivering community facilities. Through the co-location of important community facilities our client’s proposals deliver against this objective.

**Chapter 9 – Town Centre Boundaries and Shopping Designations**

Our client objects to the new secondary retail frontage proposed for Crystal Palace District Centre (Page 179). The proposed secondary frontage extends from 2a Anerley Hill to 31 to 41 Church Road and includes our client's property (No. 25 Church Road).

The extent of the defined secondary frontage is, in our opinion, excessive and includes a significant proportion of non-retail uses (including our client's property and its neighbours to the south west) which present a 'dead frontage' to Church Road. They are inappropriate for inclusion in a defined secondary frontage. The extent of the secondary frontage should be limited to between 2a Anerley Hill to 23 Church Road.

Would you please ensure these representations are considered in the next stages of the plans evolution and keep us informed as to future progress of the document. I await your acknowledgement of these representations.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Alastair Thornton', is written over a light blue horizontal line.

Alastair Thornton  
Associate