



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

TELEPHONE: 020 8464 3333

CONTACT: Keith Pringle
keith.pringle@bromley.gov.uk

DIRECT LINE: 020 8313 4508

FAX: 020 8290 0608

DATE: 13 May 2010

To: To: **ALL MEMBERS OF THE COUNCIL**

Subject to the Development Control Committee being reconstituted and Members of the Committee being appointed, there will be a meeting of the Development Control Committee at Bromley Civic Centre on **TUESDAY 25 MAY 2010 AT 7.30 PM**

MARK BOWEN
Director of Legal, Democratic and
Customer Services.

Public speaking on planning application reports is a feature at meetings of the Development Control Committee and Plans Sub-Committees. It is also possible for the public to speak on Contravention Reports and Tree Preservation Orders at Plans Sub-Committees. Members of the public wishing to speak will need to have already written to the Council expressing their view on the particular matter and have indicated their wish to do so to Democratic Services **by no later than 10.00 a.m.** on the working day before the date of the meeting.

The inclusion of public contributions, and their conduct, will be at the discretion of the Chairman. Such contributions will normally be limited to two speakers per proposal, one for and one against, each with three minutes to put their point across.

For further details, please telephone **020 8313 4745**.

A G E N D A

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

2 DECLARATIONS OF INTEREST

3 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 16TH MARCH 2010 (Pages 3 - 10)

4 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

To hear questions received in writing by the Legal, Democratic and Customer Services Department by 5pm on Wednesday 19th May 2010 and to respond.

5 PLANNING REPORT (ON GREEN PAPER) (Pages 11 - 18)

| Ward | Application Number and Address of Development |
|------------------------------|---|
| Chelsfield and Pratts Bottom | (10/00844/FULL1) |

6 ENFORCEMENT UPDATE (TO FOLLOW)

7 SIDE SPACE POLICY (H9) (Pages 19 - 22)

8 CONSULTATION ON DRAFT PPS - PLANNING FOR A LOW CARBON FUTURE
(Pages 23 - 30)

9 CONSULTATION ON DRAFT PPS - PLANNING FOR A NATURAL AND HEALTHY ENVIRONMENT (Pages 31 - 38)

10 DRAFT LONDON PLAN - EXAMINATION IN PUBLIC (Pages 39 - 50)

This report is circulated under separate cover as it will be necessary for both the Development Control Committee meeting on 25th May 2010 and the Executive meeting on 26th May 2010.

11 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000

The Chairman to move that the Press and public be excluded during consideration of the items of business listed below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

12 CONSULTATION BY DEPARTMENT FOR TRANSPORT REGARDING PROPOSED "SECURITY IN DESIGN OF STATIONS (SIDOS) GUIDE" (Pages 51 - 56)

Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 16th March 2010

Present:

Councillor Michael (Chairman)
Councillor Bloomfield (Vice-Chairman)
Councillors Nicholas Bennett JP, Katy Boughey,
Martin Curry, Peter Dean, Simon Fawthrop (for part of the meeting),
Peter Fookes, Mrs Jenny Hillier, Gordon Jenkins, Charles Joel,
Mrs Anne Manning, David McBride, Gordon Norrie, Harry Stranger
and Michael Turner

87. APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

Apologies for absence were received from Councillors Robert Evans and John Getgood. Councillors Nicholas Bennett JP and Peter Fookes attended the meeting as the alternates for Councillors Robert Evans and John Getgood, respectively.

88. DECLARATIONS OF INTEREST

There were none.

89. MINUTES

RESOLVED that the Minutes of the meeting held on 9th February 2010 be confirmed.

90. QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

91. TAKING FORWARD THE GOVERNMENT'S RESPONSE TO THE KILLIAN PRETTY REVIEW: SECOND PROGRESS REPORT Report DRR10/00031

The Chief Planner reported that, during 2009, the Government had published its response to the Killian Pretty review of development control practice and this Committee had considered and responded to a number of consultation papers addressing the five key work streams for change which had been identified. Subject to the outcome of the consideration of the consultation process, it was expected that any changes would take effect in April 2010. The Government had accepted the need to revise the current approach to performance targets, moving away from a narrow focus on the time taken to decide an application once submitted to an approach which measured performance in a more holistic way.

The second progress report taking forward the Government's response to the Killian Pretty review together with further consultation papers, had been published in December 2009 and the Council's suggested responses to the three consultation papers are set out in Minutes 92, 93 and 94 below.

RESOLVED that the report be noted.

**92. CONSULTATION BY DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT ON "IMPROVING ENGAGEMENT BY STATUTORY AND NON-STATUTORY CONSULTEES"
Report DRR10/00025**

In response to Recommendation 9 of the Killian Pretty review, the Department for Communities and Local Government had issued a consultation paper setting out the Government's proposals for changes to the arrangements for consultation for statutory and non-statutory consultees on planning applications. The consultation paper included a Draft Policy Statement on statutory and non-statutory consultation which was intended to be an annex to the proposed Planning Policy Statement (PPS) on Development Management. A draft code of practice on statutory consultation was also proposed whilst, in addition, the consultation document also reviewed the wording of the Procedure Order regarding statutory consultation and set out some further measures to improve engagement by statutory and non-statutory consultees. The Chief Planner set out, in Appendices B and C to his report, suggested responses for the Council to the summary of consultation questions.

The Chairman, supported by other Members, expressed strong reservations in relation to some of the proposals, in particular in relation to e-consultation, standard advice and the recommended appointment of a compliance officer. Another Member commented on the importance of receiving a response from statutory consultees as part of the consultation process in dealing with planning applications and of the impact on the processing of such applications where no comments were submitted.

RESOLVED that the Chief Planner's suggested responses to the consultation questions be agreed, subject to the amendment of the response in relation to question 7 (c) to read as follows: "Comments are required from statutory consultees promptly as without them there could be a detrimental impact on the decision-making process of planning applications."

**93. RESPONSE TO CONSULTATION ON DEVELOPMENT MANAGEMENT AND ON DRAFT POLICY ANNEXES ON PRE-APPLICATION AND DETERMINATION STAGES
Report DRR10/00032**

A consultation document had been received from the Department of Communities and Local Government regarding proposals to provide a clear national policy framework for Development Management in response to the recommendations which had been made within the Killian Pretty Review. Comments were required by the Government by 19th March 2010. A report was received from the Chief Planner which made particular reference to Part 1 (Introduction), Part 2 (Draft Policy Statement on Development Management), Part 3 (Draft Pre-Application Engagement Policy Annex) and Part 4 (Draft Determination Policy Annex) of the consultation document and submitted a suggested response to the consultation questions relating to Parts 2, 3 and 4.

Whilst the Government had described "Development Management" as a positive and proactive approach to shaping, considering, determining and delivering development, Members were not supportive of these principles as they felt that it was implied that Local Planning Authorities would have to accept and manage development where as "Development Control" enabled Councils to exercise some measure of control over development in their areas. Members were of the opinion that this Borough and its residents had been served well over the years by the "Development Control Committee" of this Council. The Committee felt that a strong response was required from this Council in relation to these proposals.

RESOLVED that the Chief Planner's suggested responses to the consultation questions be agreed, subject to the responses in relation to questions 1, 2, 3 and 5 being amended as follows:

Questions 1 – Reword response to read as:

"The principles of Development Management are not supported. The objectives identified are more appropriate....."

Question 2 – Reword response to read as:

"Not broadly acceptable."

Question 3 – Add further sentence to response as follows:

"..... Modern planning policy handed down from Central Government is already too prescriptive."

Question 5 – Include following comment:

“The whole ethos of Development Management is not supported as it implies a reduction in the amount of control over planning and development available to Local Planning Authorities, and elected Members in particular. In addition, less jargon and more plain English are required in relation to the Government’s overall approach.”

**94 IMPROVING THE USE AND DISCHARGE OF PLANNING CONDITIONS
Report DRR10/00033**

The Killian Pretty Review had recommended that the approach to planning conditions should be comprehensively improved to ensure that conditions were only imposed where justified and that the processes for discharging conditions were made clearer and faster. As a result, a consultation paper had been received from the Department of Communities and Local Government which set out the Government’s proposals for changes to the planning system in relation to the use of planning conditions and the processes for discharging planning conditions. The paper proposed to introduce a “fast track” service for conditions appeals and the introduction of a planning services key performance indicator to include the use and discharge of planning conditions.

The Chief Planner submitted a report which summarised the proposed policy changes and measures to improve the discharge of planning conditions and set out suggested responses to the consultation questions. Members were mindful that the implications for Bromley of these proposals appeared to be quite extensive and the guidance on the imposition of conditions relating to Section 106 Agreements was of particular concern. Furthermore, in relation to the Council’s workload, the current difficulties of discharging complex planning permissions within the existing time schedules would be exacerbated with the proposed reduction in time periods for determining the discharge of condition applications.

RESOLVED that the suggested responses set out in the report of the Chief Planner be adopted as this Council’s response to the above consultation paper.

**95 HERITAGE AT RISK
Report DRR10/00034**

The Chief Planner reported that the Heritage at Risk Register (HARR – formerly the Buildings at Risk Register), which was compiled and published by English Heritage every year, referred to listed buildings, registered parks, scheduled ancient monuments and conservation areas. The report referred to those properties on the Register in the London Borough of Bromley, both those under the Council’s

ownership as well as privately owned properties, and described the measures that were being taken to secure the future of these properties and have them removed from the Register; and listed those properties which it was proposed should be added to the Register in 2010. Details relating to these properties and an explanation of the background to Heritage at Risk were illustrated in a power point presentation given to Members by the Head of Planning Strategy and Heritage.

Various questions were raised by Members in relation to these properties and it was pointed out that reference in paragraph 3.7 of the report to Pulham Rockeries, Bromley Civic Centre Site (Grade 2 Listed) as being privately owned was incorrect. In response to a further question, the Head of Planning Strategy and Heritage indicated that the primary purpose for including buildings on the Register was to raise alarm where buildings were at risk from damage or faced an uncertain future but, in addition, it also facilitated funding from English Heritage. A Member felt that further detailed consideration should be given to this matter and that a report be received in the next Municipal Year setting out the Council's policy, including its responsibilities and those of private owners, the problems involved and how these could be counteracted in taking the policy forward, the report to include input from all appropriate Council departments and interested bodies. To this end, reference was made to the Bromley Civic Society and to the friends of Bromley Town Parks for the work they had carried out in relation to Buildings at Risk.

RESOLVED that

(1) the properties included in the Heritage at Risk Register 2009 (particularly those in Council ownership) published by English Heritage and also the measures being taken to secure their future and thereby remove them from the Register in due course be noted;

(2) the proposed list of properties to be added to the Heritage at Risk Register in 2010 be agreed;

(3) a further in-depth report be submitted to a future meeting on the Council's policy towards the care of Listed Buildings and other local heritage in the Council's ownership, the report to include input from both the Planning and the Property Divisions of the Council; and

(4) Members be invited to comment on the Borough's heritage within their respective Wards.

**96 SCHEME OF DELEGATION TO OFFICERS
Report LDCS10047**

The Scheme of Delegation to Officers sets out formal delegation of various powers to the Council's Chief Officers and their staff and was normally updated for approval at the Council's Annual Meeting in May each year. Changes to Executive

DEVELOPMENT CONTROL COMMITTEE
16th March 2010

arrangements required under the Local Government and Public Involvement in Health Act 2007 meant that any executive powers delegated to officers had to be delegated not by the Council but by the Leader of the Council.

The General Purposes and Licensing had instigated a review of the Scheme in the summer of 2009 and, as a result of that review, the new legal requirement to attribute each delegation to either the Council or the Leader and, in addition, recent changes to departmental arrangements, the Scheme required further updating. At the request of the Constitution Improvement Working Group and the General Purposes and Licensing Committee, all PDS Committees and this Committee had been requested to review the sections of the scheme relating to their specific areas of responsibility and to highlight any further changes that were needed before the Scheme was submitted for approval at the Annual Council Meeting. A report from the Director of Legal, Democratic and Customer Services, which had been submitted to all these bodies, was considered.

RESOLVED that no amendments be suggested.

97 STAFFING AND WORKLOAD IN THE PLANNING DIVISION: END OF YEAR UPDATE
Report DRR10/00029

At the request of the Chairman, the Committee received a report from the Chief Planner which provided an update on the current workload and staffing position in the Planning Division covering all five constituent sections: Development Control, Planning Strategy and Heritage, Building Control, Land Charges and Address Management. The current position had taken into account the effect of the recession, in response to which 13.63 posts were being held vacant and a number of other reductions had been made in the running expenditure. A Member pointed out in detail that the layout of the report did not conform to the format for the presentation of Committee reports which had been agreed by the Executive on 2nd March 2009. The Chief Planner apologised for this error and indicated that improvements would be made in this regard.

The average number of major applications received each month had increased from 10 to 13 between October 2009 and January 2010 and there had been an 11.1% increase in the number of non-major applications received between November 2009 and February 2010 compared with the same period last year. As a consequence, discussions had been held between the Chairman and Vice-Chairman of this Committee and the Portfolio Holder for Renewal and Recreation which had resulted in the transfer of an additional planner from the non-major applications team to the majors application team for the period December 2009 to March 2010 and the employment of two temporary staff in the non-major applications team for the period January to March 2010. The Chief Planner reported at the meeting that, as a result of the projected under-spending by the Planning Division of £68,000 in the current

financial year (Minute 98 below refers), these temporary additional staff were to be retained until the end of April 2010. However, he pointed out that if the number of planning applications continued at the current level, consideration would need to be given to the possible use of vacant posts.

Members noted that the difficulties of staffing levels in the Planning Division which had been highlighted by this Committee some two years ago still existed. It was indicated that the workload was such that there were tasks - as set out on page 5 of the report regarding the Planning Strategy and Heritage Section - that might not be delivered. Members expressed particular concern at the impact of this in relation to the preparation of the Local Development Framework and the protection of the Borough's Heritage. Members made various suggestions as to how the current staffing difficulties might be addressed, and possible additional income generating measures were also considered.

RESOLVED that

(1) the Committee's concerns in relation to the staffing position in the Planning Division be reaffirmed and further updates be submitted to future meetings of this Committee, such reports to include an organisational chart of the Division; and

(2) as a means of addressing these staffing difficulties, the Chief Planner be requested to give consideration to the possible use of retired, former members of staff and to liaising with University Planning Departments (e.g. Oxford Brookes) as to the possible temporary engagement of students in specific project work as identified in the report.

**98 PLANNING BUDGET MONITORING REPORT 2009/10
Report DRR10/00030**

A report was received from the Director of Renewal and Recreation providing the Committee with an update of the latest budget monitoring position for the Planning Division for 2009/10 based on expenditure and activity levels up to 31st December 2009. The latest projections indicated that the Division would be under spent by £68,000. It was noted that there had still been no notification of the Housing and Planning Delivery Grant and that a request to carry forward the monies might be required. This report was considered in conjunction with the report of the Chief Planner on staffing and workload in the Planning Division referred to in Minute 97 above.

RESOLVED that the report be noted.

99 NEXT MEETING

The Chairman reported that it was anticipated that there would be only two items for consideration at the next meeting of the Committee scheduled to be held on 20th April 2010. Since both items could be held over until the Committee's first meeting in the next Municipal Year on 25th May 2010, consideration was given to whether the April meeting should be cancelled.

RESOLVED that the meeting of this Committee scheduled to be held on 20th April 2010 be cancelled.

100 LAST MEETING

In the light of the cancellation of the scheduled April meeting (Minute 99 above refers), the Chairman pointed out that this would, therefore, be the last meeting of the Committee in the current Council term. In thanking Members and officers both of this Committee and in relation to the four Plans Sub-Committees for their hard work, she paid particular tribute to the contribution which had been made over many years by three long-serving Members of the Council, Councillors Bloomfield, Mrs Hillier and Jenkins, who were standing down at the forthcoming Borough Elections. Other Members referred to the commitment, dedication and integrity which had been displayed by these three Members over their considerable years of service on this Council, various Committees and in representing the interests of local residents.

The Chairman was also thanked for her work on the Committee over the past year.

ALEXA MICHAEL
Chairman

The meeting ended at 8.35 pm.

LONDON BOROUGH OF BROMLEY

TOWN PLANNING RENEWAL AND RECREATION DEPARTMENT

Development Control Committee (DC) on 25th May 2010

REPORT OF THE CHIEF PLANNER

Application No : 10/00844/FULL1

Ward:
Chelsfield **And** **Pratts**
Bottom

Address : **The Highway Primary School The**
 Highway Orpington BR6 9DJ

OS Grid Ref: **E: 547078 N: 164431**

Applicant : **The Highway Primary School**

Objections : NO

Description of Development:

Demolition of north-east and south-west wings of school and alterations to central block. 2 single storey extensions to provide replacement classrooms and children and family centre (including replacement nursery) with hard play area and 18 car parking spaces

Proposal

Planning permission is sought for the following development:

- the demolition of the existing western classroom wing and construction of a new replacement classroom wing to the rear of the existing block
- the demolition of the existing eastern wing and replacement building to provide a new children and family centre and 30 place pre-school nursery
- demolition of existing temporary nursery building (but retain existing independent Mother and Toddler building) to the north of the site
- single storey extension including improved entrance at the front of the retained central block
- 8 car parking spaces with vehicular access from The Highway
- enlargement of existing hard play area.

The location of vehicular access to The Highway will not be altered. At present it also provides a pedestrian access to the school. It is proposed to provide a separate

pedestrian access adjacent to the vehicular access, and a new pedestrian access point for the children and family centre and nursery. The existing pedestrian access from the public footpath on the south-west boundary will be relocated to the north-west and will be from the footway of Arundel Drive.

The development work is proposed in two phases set out in the Design and Access Statements.

The following supporting documents have been provided in addition to the submitted plans:

- Energy Statement
- Sustainability Statement
- BREEAM pre-assessment
- Arboricultural Implications Assessment and Arboricultural Method Statement
- Tree Survey Report
- Phase One Environmental Review
- Asset Location Search (Thames Water)
- Ground Appraisal Report
- Design and Access Statement
- Archaeology Report

The Design and Access Statement sets out the key objectives of the scheme, as follows - addressing major deficiencies within the existing premises by providing facilities which are well-designed, built, operated and maintained to comply with current statutory requirements, in order to deliver the National Curriculum; championing sustainability; to provide a building that is well serviced and robust; to provide an attractive environment for teaching and learning; to provide a modern building base.

Location

The application site is located on the north-western side of The Highway. The main school buildings are on the south-east side of the site and the temporary nursery and Mother and Toddler Club are on the rear/northern part of the site, which has a pedestrian access to Eton Road. As described above, the main school forms three distinct sections with classrooms wings either side of the central block which comprises the main hall, dining hall and offices. Part of the south-west boundary is with footway of Arundel Drive, the remainder is with a public footpath linking to The Highway.

Comments from Local Residents

At the time of writing this report no local objections had been received.

Comments from Consultees

Highways- no objections are raised in principle to the application but details are required of the construction management plan.

Metropolitan Police- no objections raised.

Drainage- the site is located within the Environment Agency's Source Protection Zones 1 or 2 and it is proposed to drain to soakaways. The Environment Agency were consulted but have assessed the application as low environmental risk and have not commented further.

To date no responses have been received from Thames Water and Environmental Health.

Planning Considerations

The site is not designated as open space in the Unitary Development Plan.

The application falls to be determined in accordance with the following Unitary Development Plan policies:

- BE1 Design of New Development
- C1 Community Facilities
- C7 Educational and pre-school facilities
- T18 Road Safety

In strategic terms the most relevant London Plan policies are:

- 3A.18 Protection and enhancement of social infrastructure and community facilities
- 3A.24 Education Facilities

From a policy point of view the introduction of the children and family centre will benefit the local community and are considered to comply with the education policies within the Unitary Development Plan and the London Plan.

With regard to trees, the tree reports describe the trees on the site and the impact of the proposed development. It is considered that no significant trees will be lost as a result of the proposal.

Planning History

The site has been the subject of several previous applications, the most relevant of which are as follows:

- 08/03608- planning permission was granted for a replacement fence

- 05/02217- the variation of condition 1 of ref. 05/00521 to allow the temporary siting of building for use by mother, baby and toddler group for a 5 year period (permission expires on 31.08.10)

Other applications concern the mother and toddler group.

Conclusions

The main issues in considering this application are whether the proposed scheme would impact detrimentally on the amenities of adjoining residents or the character of the area.

The site is not protected by any open space policies in the Unitary Development Plan and as such there is no planning objection in principle to rebuilding the school as proposed. The new buildings will respect the existing form and layout of the school. The proposed replacement buildings will remain single storey and although the western wing will be moved further back into the site a satisfactory distance will be retained to the nearest neighbour at No.73 Arundel Drive.

With regard to the impact of the proposal on the residential amenities of nearby neighbours it is considered that given the number of children at the school will not be increasing, and as the form and siting of the proposed buildings will closely follow that of the present school, the development will not have a detrimental impact.

In terms of the relocated car parking spaces, the proposed layout will provide the same number of spaces but in a more formal arrangement. The car parking will be reasonably well separated from the adjacent residential properties and an area of open space will be retained in front of it. Vehicular access to the school will remain from The Highway. Pedestrian access arrangements will be improved by segregating them from the vehicle access and locating the access in Arundel Drive (rather than from the nearby public footpath).

The development will not increase in the amount of vehicular movements in and around the site as the proposal is to provide improved facilities for the school and not to increase student numbers. There have been no objections raised in principle to the proposal for the Council's Highways Engineer and it is considered that the application complies with the UDP Transport policies.

Although there are a number of trees are to be removed as part of the scheme it is considered that no significant trees would be lost as a result of the proposal.

It is considered that the children and family centre will be a benefit to the local community as it will be able to fulfil a wider range of community needs, and the proposed school extensions will result in improved facilities at the site.

On balance, taking into account the relevant UDP policies and the above considerations, it is considered that development in the manner proposed is acceptable.

Background papers referred to during production of this report comprise all correspondence on file ref.10/00844, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | |
|----|--------|--|
| 1 | ACA01 | Commencement of development within 3 yrs |
| | ACA01R | A01 Reason 3 years |
| 2 | ACA04 | Landscaping Scheme - full app no details |
| | ACA04R | Reason A04 |
| 3 | ACB19 | Trees - App'ment of Arboricultural Super |
| | ACB19R | Reason B19 |
| 4 | ACC01 | Satisfactory materials (ext'nl surfaces) |
| | ACC01R | Reason C01 |
| 5 | ACD02 | Surface water drainage - no det. submitt |
| | ADD02R | Reason D02 |
| 6 | ACH03 | Satisfactory parking - full application |
| | ACH03R | Reason H03 |
| 7 | ACH16 | Hardstanding for wash-down facilities |
| | ACH16R | Reason H16 |
| 8 | ACH29 | Construction Management Plan |
| | ACH29R | Reason H29 |
| 9 | ACH32 | Highway Drainage |
| | ADH32R | Reason H32 |
| 10 | ACI21 | Secured By Design |
| | ACI21R | I21 reason |

Reasons for granting permission:

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

- BE1 Design of New Development
- C1 Community Facilities
- C7 Educational and pre-school facilities
- T18 Road Safety

The development is considered to be satisfactory in relation to the following:

- (a) the appearance of the development in the street scene
- (b) the relationship of the development to adjacent property

- (c) the character of the development in the surrounding areas
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties
- (e) the safety of pedestrians and motorists on the adjacent highway
- (f) the safety and security of buildings and spaces around them
- (g) accessibility to buildings
- (h) the community policies of the development plan
- (i) the relationship of the development to trees to be retained

and having regard to all other matters raised.

Reference: 10/00844/FULL1

Address: The Highway Primary School The Highway Orpington BR6 9DJ

Proposal: Demolition of north-east and south-west wings of school and alterations to central block. 2 single storey extensions to provide replacement classrooms and children and family centre (including replacement nursery) with hard play area and 18 car parking spaces



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Bromley. Lic. No: 100017661

This page is left intentionally blank

Report No.
DRR10/00051

London Borough of Bromley

Agenda
Item No. **7**

PART 1 - PUBLIC

Decision Maker: Development Control Committee

Date: 25th May 2010

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **SIDE SPACE POLICY (H9)**

Contact Officer: Tony Stewart, Development Control Manager
Tel: 020 8313 3663 E-mail: tony.stewart@bromley.gov.uk

Chief Officer: Bob McQuillan

Ward: Boroughwide

1. Reason for report

- 1.1 At the Chairman's request, this report has been included in the agenda to provide an update on side space policy issues and decisions since the previous report on this topic in 2008.
-

2. **RECOMMENDATION(S)**

- 2.1 Members are asked to note the report and confirm that such side space applications shall be determined in accordance with the usual delegation procedures i.e. decided under delegated powers unless called in to Committee by a Ward Member or referred to Committee by the Chief Planner.

Corporate Policy

1. Policy Status: Existing policy.
 2. BBB Priority: Quality Environment.
-

Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Planning Division
 4. Total current budget for this head: £3.2m
 5. Source of funding: N/A
-

Staff

1. Number of staff (current and additional): 98
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Boroughwide
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 At the meeting of this Committee on 26th August, 2008, Members considered a report on side space policy (H9) and were concerned at the difficulties and ambiguities that exist in relation to elements of the policy e.g. the impact of tall single storey buildings adjacent to the boundary. It was considered that the normal requirement of one metre for development of two or more storeys was a quantitative measure and should be given particular attention in the interests of consistency. In addition, Members felt that the wording of the policy should be reviewed at the appropriate time in the development plan process.
- 3.2 While the one metre side space policy is applicable in most parts of the Borough there are instances, e.g. where development is in Conservation Areas or Areas of Special Residential Character, where exceptions should be made with flexibility to exceed the normal requirement. It is also always the case that particular site circumstances must be taken into account in the decision-making process and so a rigid interpretation of the policy could be seen as unreasonable at any future appeal, exposing the Council to potential cost claims.
- 3.3 Since the meeting all applications involving a breach of side space policy have been reported to Committee. In total, 47 applications were considered and of these 31 (66%) were permitted (including 4 that were allowed on appeal).
- 3.4 The particular issues and circumstances varied from case to case but it is possible to identify certain common problems and approaches. In cases where there were minor breaches of the policy (i.e. provision of a side space marginally less than the metre requirement) 83% of applications were permitted. Similarly, where the side space requirement could not be met but the side boundary adjoined rear gardens, open land or accesses (thus preventing terracing) 83% of applications were permitted.
- 3.5 In contrast, where there was no side space but applicants proposed an inset at first floor, 87.5% of applications were refused permission. This is primarily because the works would appear cramped and could give the effect of terracing. Those cases that were permitted generally included a significant inset at first floor level, were well set back from the front elevation of the property and were accordingly less cramped in relation to neighbouring dwellings.
- 3.6 The majority of cases (64%) in Conservation Areas and Areas of Special Residential Character which proposed side spaces at the minimum one metre or slightly above were refused primarily on the basis that they caused harm to spatial standards of the area. Members will be aware that in both designations generous gaps between buildings are usually an integral part of the character of the area and are central to the original designation. Similarly, greater side space can be required on corner plots where Council guidance generally suggests the retention of a 3 metre separation to the side boundary.
- 3.7 Other cases which contravened side space policy involved development sites with angled boundaries resulting in part being in excess of the 1m and part being less than the minimum requirement (permission), development with catslide roof designs to overcome the lack of a full side space (permission) and development marginally less than the suggested 3m side space on corner sites (permission).
- 3.8 During the period, 6 cases were determined at appeal and of these, 4 were allowed and 2 dismissed. Two cases involved side spaces slightly below a metre and one was allowed and the other dismissed. Similarly, one Inspector dismissed an application which involved development at the boundary with an inset at first floor level and another allowed such a scheme. In the case that was allowed, the Inspector noted other examples in the immediate area.

- 3.9 Most of the applications reported to Committee would normally have been dealt with by officers under delegated powers and it is worthy of note that of the 47 cases handled over the period, 92% were determined in accordance with the officers' recommendation. Whilst individual site circumstances must always be taken into account, the results of the cases considered over the period give a clear indication of the general parameters for determining such applications. In the circumstances, Members may consider that it would be appropriate to revert to the usual 'call-in' procedure whereby cases will be dealt with under delegated powers unless they are called in by a Ward Member or are deemed by officers to warrant consideration by the Planning Committee.

| | |
|---|---|
| Non-Applicable Sections: | 4.5,6,7. |
| Background Documents: (Access via Contact Officer) | Previous report to Development Control Committee dated 26th August, 2008. |

Report No.
DRR10/00052

London Borough of Bromley

Agenda
Item No. **8**

PART 1 - PUBLIC

Decision Maker: **Development Control Committee**

Date: **25th May 2010**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **CONSULTATION ON DRAFT PPS - PLANNING FOR A LOW CARBON FUTURE**

Contact Officer: Katie Ryde, Planning Policy Officer
Tel: 020 8313 4520 E-mail: katie.ryde@bromley.gov.uk

Chief Officer: Bob McQuillan - Chief Planner

Ward: All

1. Reason for report

The Government have published a draft Planning Policy Statement (PPS) "Planning for a Low Carbon Future" for consultation. This new PPS proposes to combine elements of, and replace, two existing PPS's - the supplement to PPS1 on climate change, and PPS22 on renewable energy. Local Planning Authorities are asked for their comments on the draft document, guided by a list of questions. The consultation period ends 1 June 2010. The draft PPS can be found on the CLG website using the following link [Low Carbon PPS](#) and a copy has been placed in the Members' room.

2. **RECOMMENDATION(S)**

Members are asked to consider the draft PPS and approve the suggested response (Appendix 1, attached.)

Corporate Policy

1. Policy Status: New policy.
 2. BBB Priority: Quality Environment.
-

Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Planning Division Budget
 4. Total current budget for this head: £3.2m
 5. Source of funding: Existing revenue budgets
-

Staff

1. Number of staff (current and additional): 98
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All residents of the Borough, applicants for planning permission and the wider population affected by climate change.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 Since the publication of PPS22 Renewable Energy in 2004 and the supplement to PPS1 on Climate Change in 2007, there has been considerable change and development in the strategy for responding to the challenges of climate change. In order to reflect these changes and streamline planning policy (by separating policy from guidance) the Government have combined national policy on mitigation and adaptation to climate change in general with the planning aspects of renewable energy in so far as they contribute to the former.
- 3.2 The draft PPS sets out how planning, in providing new homes, jobs and infrastructure needed by communities, should help shape places to achieve lower carbon emissions and greater resilience to the impacts of climate change. Local Development Frameworks should support the move towards a low carbon economy and enable low carbon living. This concept should be reflected in the vision for how the area should develop and respond to local challenges and opportunities.
- 3.3 As well as demonstrating how regional and local planning authorities should use sound evidence to create place-specific policy, the PPS strongly advises against repetition of higher level policy where this is adequate and discourages the use of local area-wide targets. This move is to pave the way for forthcoming, more stringent, building regulations (in 2013) which are intended to drive the move towards lower carbon technology countrywide. Where opportunities for particular low carbon technologies are identified in an area through a development plan, local planning authorities will need to show how these have been derived and how they can be successfully delivered. A key aspect of setting any targets – for renewable energy or sustainable building standards – is that they do not make development unviable nor do they inhibit the provision of affordable housing.
- 3.4 In addition to advising on local policy development, the PPS is itself a material consideration in planning applications and it contains a number of policies that can be applied directly. As is currently the case, proposals for major developments will be expected to include information about how they have been designed to reduce carbon emissions and include decentralised low carbon and or renewable energy. In addition, the new PPS proposes that developments should be expected to demonstrate how they have considered a list of criteria designed to reduce the carbon emissions and improve the resilience of the development. This list includes aspects of design, energy provision, waste management, water management and transport. The proposed policy advises that where these criteria are not met, permission should be refused unless the applicant can demonstrate that meeting a criterion is not feasible.
- 3.5 A new area of emphasis in the draft PPS surrounds the weight given to mitigation and adaptation to climate change when considering other, possibly contradictory, policies. For example, Policy LCF13.4 states that:
- ‘... Some features which are essential for securing a low or zero carbon building, or adapting to impacts arising from changes in the climate, may give rise to concerns about incompatibility with an existing townscape. Such concerns by themselves should not normally warrant planning applications being refused planning permission. Planning permission should only be refused where the concern relates to a heritage asset protected by an international or national designation and the impact would cause material harm....’*
- 3.6 Such an approach would give weight to any considerations of harm to the Darwin’s Landscape Laboratory World Heritage Site (if inscribed), Conservation Areas and statutorily listed buildings in the Borough. It seems however that less weight, if any, would be given to

considerations of harm to assets of a local designation, eg, locally listed buildings, Areas of Special Residential Character or indeed the character of ordinary suburban roads where proposals encouraged by Policy LCF13 were considered to be out of character with their surroundings.

- 3.6 As the PPS is a policy document, there is little by way of guidance or example to show how this aspect of incompatibility – which relates largely to (elements of) a design which succeeds in terms of meeting the criteria, but may be visually incongruous - might be managed. In reality, good design can overcome the majority of the challenges of low carbon construction whilst minimising any adverse impact on local townscape and landscape and may be that few proposals come forward which cause concern. Clearly, where an “innovative” proposal is intended, negotiation with developers needs to occur at an early stage to ensure a positive outcome. The recently published PPS5 on planning for historic environments states that in cases where potential negative effects on a heritage asset are identified, local planning authorities should work with applicants to identify feasible solutions that deliver similar results in mitigating the effects of climate change with less or no impact on the historic environment and its setting. Where there is conflict, the public benefit of mitigating climate change should be weighed against any harm to heritage assets. In this particular policy, PPS5 does not distinguish between national and local historic assets.
- 3.7 Where low carbon or renewable energy technologies are proposed in the Green Belt (i.e. stand alone installations rather than development with associated technology), there may be elements which compromise the openness of the Green Belt and are therefore contrary to policy. In these cases, developers will need to demonstrate very special circumstances such as wider environmental considerations that outweigh any harm to the designation.
- 3.8 Overall, the new PPS reiterates the important role of planning in meeting the challenge of climate change but raises the bar in terms of the weight these considerations should be given when making planning decisions. This approach is welcomed where it ensures high quality development but care must be taken to ensure appropriate weight is also given to significant heritage and landscape assets. To secure the best outcomes locally, as well as producing robust policy, it will be vital that there is early engagement with developers to produce appropriate developments for particular sites. The suggested response (Appendix 1) urges the need for additional guidance, training and resources to ensure the local planning authority can respond to these challenges.

4. POLICY IMPLICATIONS

The PPS is a material consideration in planning decisions and will guide local policy formation through the Local Development Framework.

5. FINANCIAL IMPLICATIONS

Some funding is available through the Area Based Grant to reflect the new burdens on local planning authorities arising from the expectations in the new PPS. In addition, Local Development Frameworks are required to assess their area for local opportunities for decentralised energy. This may require technical input that is beyond the expertise of officers. There may be further opportunities for developers (including the Council) to acquire additional funding for certain decentralised technologies direct from other sources such as the energy companies.

| | |
|--|---|
| Non-Applicable Sections: | Legal implications Personnel Implications |
| Background Documents: (Access via Contact Officer) | Supplement to PPS1- Planning for Climate Change PPS22 – Renewable Energy Draft PPS – Planning for a Low Carbon Future |

This page is left intentionally blank

APPENDIX 1

Consultation on Draft PPS – Planning for a low carbon future

Suggested response

In general, the move towards streamlining national policy is supported, although it is therefore vital that guidance and support be provided alongside. Whether this PPS is, or is not, a supplement to PPS1 or a stand alone statement is not considered to be a fundamental issue – rather it needs to be explicit on the weight afforded to its policies in light of other pressures.

The draft PPS, for example, acknowledges that the delivery of housing must not be compromised, but seems to afford less importance to locally determined landscape and townscape assets. The process of weighing up the relative merits is not fully developed, especially when considering the advice in PPS5.

In particular, the Council considers that Policy LCF13 does not give sufficient recognition to locally determined policies and designations intended to define and protect local heritage assets as well as character and quality of local areas.

In order to ensure that low carbon development does not compromise the quality of places, more guidance and training will need to be provided to both policy makers and development management teams. Early engagement with developers already takes place, but clearly the successful implementation of the PPS and development of truly sustainable communities will require additional skills at a local level for many authorities. In particular, the assessment of viability, design and use of conditions and obligations are all areas of which will need to be strengthened. It is important that adequate funding and/ or training be integral to the roll-out of this strategy.

This page is left intentionally blank

Report No.
DRR10/00050

London Borough of Bromley

Agenda
Item No. **9**

PART 1 - PUBLIC

Decision Maker: **Development Control Committee**

Date: **25th May 2010**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **CONSULTATION ON DRAFT PPS - PLANNING FOR A
NATURAL AND HEALTHY ENVIRONMENT**

Contact Officer: Alister Hayes and Doug Ogilvie, Planners
Tel: 020 8313 4454 E-mail: doug.ogilvie@bromley.gov.uk

Chief Officer: Bob McQuillan

Ward: All

1. Reason for report

The Government have published a draft Planning Policy Statement (PPS) 'Planning for a Natural and Healthy Environment' for consultation. This new PPS will replace PPS 9: Biodiversity and Geological Conservation; Planning Policy Guidance (PPG) 17: Planning for Open Space, Sport and Recreation; the parts of PPS 7: Sustainable Development in Rural Areas relating to landscape protection, soil and agricultural land quality and forestry; and PPG 20: Coastal Planning (which obviously will not apply to Bromley). It takes account of the commitment in the 2007 white paper Planning for a Sustainable Future to streamline existing PPGs and PPSs and separate out policy from guidance. The consultation period ends 1 June 2010. The draft PPS can be found on the CLG website using the following link [a Natural and Healthy Environment PPS](#) and a copy has been placed in the Members' room.

2. **RECOMMENDATION(S)**

Members are asked to consider the draft PPS and approve the suggested response (Appendix 1, attached.)

Corporate Policy

1. Policy Status: New policy.
 2. BBB Priority: Quality Environment.
-

Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £3.3m
 5. Source of funding: N/A
-

Staff

1. Number of staff (current and additional): 98
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is not applicable.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All residents of the Borough, applicants for planning permission and the wider general public.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

3.1 Planning policies aimed at the protection of the natural environment are currently set out in a number of Planning Policy Statements (PPSs). This draft document 'Planning for a Natural and Healthy Environment' reflects the objective to bring together related policies on the natural environment and on open and green spaces in urban and rural areas to ensure that the planning system delivers healthy sustainable communities which adapt to and are resilient to climate change and give the appropriate level of protection to the natural environment.

3.2 This PPS is intended to reflect the overarching aim of achieving sustainable development, i.e. as well as providing for the development needs of all in the community, contributing to economic growth and supporting social justice, planning should ensure that development is delivered in a way which protects and enhances the natural environment and provides places which contribute to the quality of life, health and well being of those living and working there. To achieve this aim, Government policy is that planning should:

- Conserve and enhance the natural environment including the quality, character and value of the landscape, biodiversity, geodiversity and soil within rural and urban areas. One of the stated ways of achieving this is by ensuring that construction, development and regeneration has minimal impacts on biodiversity and ensuring it is enhanced wherever possible to contribute to the overall aim of no net loss to biodiversity;
- Minimise vulnerability of places, people and wildlife to the impacts of climate change. One of the ways of achieving this is by maintaining, creating and improving networks of green infrastructure within both urban and rural areas;
- Deliver safe and attractive places to live by ensuring that people have access to high quality open spaces, green infrastructure and sports, recreational and play spaces which are accessible by all means of transport;
- Provide access and appropriate recreational opportunities to enable urban and rural dwellers to enjoy the countryside.

3.3 Key policy features of the draft PPS include:

a) Biodiversity

Planning policy on biodiversity remains the same though the legal protection given to certain habitats and species has changed as a result of recent case law. Guidance on this is currently being revised and a draft circular is being consulted on in parallel with this draft PPS. The existing companion guide for PPS9 is currently under review and will be published in due course.

b) Green Infrastructure

Delivery of planning policy on green infrastructure (i.e. a network of multi-functional green space supporting natural and ecological processes e.g. open spaces, parks, wildlife corridors, rivers, allotments etc.) is included for the first time in addition to existing planning policies on the different components of the natural environment.

Local Development Frameworks would be required to include a strategic approach for the creation, protection and management of networks of green infrastructure. This encouragement of authorities to take a more strategic approach to green infrastructure is

intended to promote a better understanding of the existing network and its functions and consequently lead to better decisions being made about its protection and management.

There would be a requirement for local authorities to undertake and keep up to date assessments of the existing and future needs of the community for green infrastructure and audits of the existing provision of such land taking into account its quantity, quality, accessibility, typology and location.

The new policy does not require local authorities to produce and publish 'green infrastructure strategies' (although they can do so if they choose) – the expectation is that much of the information already collected for the PPG17 audit can be used to develop the evidence base for green infrastructure delivery.

In the event of a proposed development resulting in an adverse impact on green infrastructure, planning authorities are instructed to consider mitigation measures (through conditions or planning obligations) or where development would cause significant harm to the functioning of green infrastructure networks and the harm cannot be mitigated, refusal of planning permission is warranted.

c) Open Space, Sport and Recreation

PPG17 currently provides the planning framework for the provision and protection of open and green spaces, sports and recreational facilities. It promotes a strategic, evidence-based approach to the provision of quality open spaces by requiring local authorities to audit existing facilities and make rigorous assessments of the existing and future needs of their communities for open space, sports and recreational facilities. These audits and assessments lead to the setting of robust local standards of provision which are included in development plans. Such an Audit has been carried out for the Council and will form part of the evidence base for the Local Development Framework. It also recognises that benefits ensuing from planning for open space include improved access to good quality sport and recreational facilities which in turn promote social inclusion, health and wellbeing.

This revised and consolidated PPS has incorporated almost everything contained in PPG17, using the same definitions and typographies, emphasising the need to protect open space, sport and recreational facilities and the identification and elimination of any deficiencies in these areas of provision. The consolidation benefits from recognising the interrelationship of biodiversity and the natural environment in its widest sense with provision for outdoor sport, and leisure, whether it is active or passive.

Neither the existing PPG nor this revision and consolidation make many specific references to 'Green Belt' land and the fact that it warrants special consideration. However, PPG17 made it clear in paragraph 30, that there were limits to development associated with outdoor sport and recreation in the Green Belt:

“Development should be the minimum necessary and non-essential facilities (e.g. additional function rooms or indoor leisure) should be treated as inappropriate development. Very special circumstances which outweigh the harm to the Green Belt will need to be demonstrated if such inappropriate development is to be permitted.”

Such a clarification is missing from the new PPS. Unlike PPG 17, the revision clearly sets out a policy framework for inclusion in LDFs together with guidance on the implementation through Development Management; the latter was not included in PPG17 but is considered helpful.

4. POLICY IMPLICATIONS

The PPS is a material consideration in planning decisions and will guide local policy formation through the Local Development Framework.

| | |
|--|--|
| Non-Applicable Sections: | Financial Implications Legal implications Personnel Implications |
| Background Documents: (Access via Contact Officers) | PPS 9: Biodiversity and Geological Conservation; PPG 17: Planning for Open Space, Sport and Recreation; PPS 7: Sustainable Development in Rural Areas. |

Questions and Responses for draft PPS9

| | | |
|--|-----|-------------------------------------|
| Questions on which we would particularly like your views: | | |
| 1. Do you support the consolidation and streamlining of policies on the natural environment, green infrastructure, open space, sport, recreation and play into a single planning policy statement? | Yes | <input checked="" type="checkbox"/> |
| | No | <input type="checkbox"/> |
| Comment: | | |
| 2. Does the proposed PPS address sufficiently all the issues that planners and others face in relation to protecting the natural environment, delivering green infrastructure and other forms of open and green spaces, and land and facilities for sport, recreation and play? | Yes | <input type="checkbox"/> |
| | No | <input checked="" type="checkbox"/> |
| <p>Comment:</p> <p>There is a need for a paragraph similar to Paragraph 30 of PPG17 to clarify the extent of development associated with outdoor sport and recreation in the Green Belt:</p> <p>“Planning permission should be granted in Green Belts for proposals to establish or to modernise essential facilities for outdoor sport and recreation where the openness of the Green Belt is maintained. Development should be the minimum necessary and nonessential facilities (e.g. additional function rooms or indoor leisure) should be treated as inappropriate development. Very special circumstances which outweigh the harm to the Green Belt will need to be demonstrated if such inappropriate development is to be permitted.”</p> | | |
| 3. Do you agree with the requirement for local planning authorities to continue to produce, and keep up-to-date, open space strategies which are based on assessments of local need and audits of existing provision (NE1.3)? | Yes | <input checked="" type="checkbox"/> |
| | No | <input type="checkbox"/> |
| Comment: | | |
| 4. We propose that local planning authorities should take a strategic approach to the delivery of green infrastructure (NE4), but not to produce and publish a formal strategy (although they can do so if they choose). Do you agree with this proposal? | Yes | <input checked="" type="checkbox"/> |
| | No | <input type="checkbox"/> |
| Comment: | | |

| | | |
|--|-----|-------------------------------------|
| 5. Do you agree that the proposed policy NE4 will deliver the Government's objectives without imposing any significant new burdens? | Yes | <input checked="" type="checkbox"/> |
| | No | <input type="checkbox"/> |
| Comment: | | |
| 6. The amended wording of planning policy relating to the floodlighting of sports and recreation facilities (NE11) makes it clear to local planning authorities that they should balance the impacts on amenity and biodiversity against the wider benefits to the community in terms of health and wellbeing and the additional provision of facilities. Do you agree with this proposal? | Yes | <input type="checkbox"/> |
| | No | <input checked="" type="checkbox"/> |
| Comment: The wording may give Developers too much leverage when submitting applications, i.e. there is concern over how the term 'balance' will be interpreted. | | |
| 7. Do you agree that the proposed policy NE11 will deliver the Government's objectives without imposing any significant new burdens? | Yes | <input checked="" type="checkbox"/> |
| | No | <input type="checkbox"/> |
| Comment: | | |
| 8. Do you agree with the conclusions of the consultation stage impact assessment? | Yes | <input checked="" type="checkbox"/> |
| | No | <input type="checkbox"/> |
| Comment: | | |
| 9. Do you think that the policies in this proposed PPS will have different impacts, either positive or negative, on people because of their gender, race or disability? If so, how in your view should we respond? We particularly welcome the views of organisations and individuals with specific expertise in equality and diversity matters. | Yes | <input type="checkbox"/> |
| | No | <input checked="" type="checkbox"/> |

| | | |
|---|-----|-------------------------------------|
| Comment: | | |
| 10. Do you have any additional comments to make on this proposed PPS? | Yes | <input checked="" type="checkbox"/> |
| | No | <input type="checkbox"/> |
| <p>Comment:</p> <p>Include a recognition of World Heritage Sites as protected land and landscape in paragraph NE3.1 as indicated in bold italics below:</p> <p>“Local development frameworks should, subject to policy NE3.2, set out policies for the conservation, restoration, enhancement and enjoyment of the natural environment in their area which are consistent with national, regional and local biodiversity, geodiversity and landscape priorities, objectives and targets (including those agreed by local biodiversity partnerships, and the statutory management plans of National Parks, the Broads, and AONBs <i>and World Heritage Sites</i>).“</p> | | |

Report No.
DRR100053

London Borough of Bromley

Agenda
Item No. **10**

PART 1 - PUBLIC

Decision Maker: Development Control Committee
Executive

Date: 25th May 2010
26th May 2010

Decision Type: Non-Urgent Non-Executive Non-Key

Title: DRAFT LONDON PLAN - EXAMINATION IN PUBLIC

Contact Officer: Peter Martin, Head of Planning Strategy and Heritage
Tel: 020 8313 4548 E-mail: pter.martin@bromley.gov.uk

Chief Officer: Bob McQuillan

Ward: All

1. Reason for report

To consider the timetable for Bromley's participation in the Draft Replacement London Plan Examination in Public that commences 28th June 2010.

2. **RECOMMENDATIONS**

- (1) **Members of the Development Control Committee are asked to consider and comment on the timetable for Bromley's participation as set out in para 3.8 of this report; and**
- (2) **the Executive is asked to consider comments from the Development Control Committee in endorsing an approach to the timetable for Bromley's participation in the Draft London Plan Examination in Public.**

Corporate Policy

1. Policy Status: New policy.
 2. BBB Priority: Quality Environment.
-

Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Planning Division Budget
 4. Total current budget for this head: £3.3m
 5. Source of funding: Existing revenue budgets
-

Staff

1. Number of staff (current and additional): 98
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is applicable for any decision taken by the Executive
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Wider general public affected by planning policies
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 The Mayor of London published the Draft Replacement London Plan (DRLP) in October 2009 for consultation ending on 12th January 2010. Bromley Council's response was agreed by the Executive on 9th December 2009 after being considered by Development Control Committee on 1st December 2009 (copies of the Table of Responses and Appendices and the DRLP are available in the Member's room).
- 3.2 Arrangements are now being made for the Examination in Public (EIP) the purpose of which is to provide an opportunity for a structured discussion and testing of the DRLP before an independent panel appointed by the Secretary of State for Communities and Local Government.
- 3.3 The Panel that have been appointed to carry out the EIP at City Hall, have published a Draft List of Matters and Participants. This document sets out the timetable for consideration of the matters for discussion and the participants selected for that discussion against each policy of the DRLP. Note that anyone can observe the proceedings at anytime from the public gallery without participating in the discussion.
- 3.4 The table below is an extract from the draft list indicating those dates when officers might be expected to attend at City Hall, along with up to thirty others, to participate in the discussion of the matter concerning each particular policy.
- 3.5 The table shows that Bromley could participate in about 30 of the policy discussions (out of 122 policies in the DRLP). These are the areas on which the Council made specific comment. There are several policies, indicated in the table, where, because of the number of Boroughs likely to be in attendance, Bromley is expected to 'hot seat' with other London Boroughs; in these cases arrangements will need to be made with the Panel Secretary to engage in the discussion if it is considered necessary. In the other discussions a more limited number of Boroughs have been invited to participate and therefore "hot seating" will not be necessary. Bromley was not included in the original Draft List as a participant in the matters under Policy 2.16 - Strategic Outer London Development Centres (SOLDC). Biggin Hill is referred to in the policy as a potential SOLDC and consequently a request was made to include Bromley as a participant for Policy 2.16. The finalised list of Matters and Participants is expected to be published later in May.
- 3.6 Written statements can be provided to the Panel (although there is no need to provide such statements if all the points are already covered in the original response). At the moment it is suggested that Bromley should keep its options open in this respect. The priorities for Bromley are considered to be representations on Opportunity Areas (Policy 2.13), Housing supply (Policy 3.3) and provision of sites for Gypsies and Travellers (Policy 3.9) Appendices 1, 2 and 3 of this report set out the existing representations made on these topics which will form the basis of the discussion and any written statement submitted to the EIP. There is to be a Technical Seminar on Housing matters to consider technical matters relating to the calculation of the housing supply targets in Policy 3.3. A date for this has not yet been set but it is expected to take place in September before the main discussions take place on housing policy matters. The policy on Gypsies and Travellers (Policy 3.9) has been the subject of a further Alteration to the DRLP proposed by the Mayor which reduces the pitch provision in Bromley from 58 in the DRLP to 17. This is referred to in Appendix 3 of this report.
- 3.7 More information is available on the GLA website at www.london.gov.uk/london-plan-eip The DRLP itself can be viewed at www.london.gov.uk/shaping-london/london-plan

3.8 Time table of Bromley participation in the London Plan EIP:

| Date | Policy in DRLP | | Note |
|-----------------------------|-----------------------|---|---------------------------------------|
| Fri 2 nd July | 2.8 | Outer London: Transport | |
| Tues 6 th July | 2.13 | Opportunity Areas and Intensification Areas and Annex 1 | |
| Tues 6 th July | 2.16 | Strategic Outer London Development Centres | Requested participation |
| Fri 9 th July | 4.1, 4.2 & 4.3 | London's Economy: Developing London's Economy; Offices; Mixed-use Development | 'hot seat' with other London Boroughs |
| Mon 12 th July | 4.5 & 4.6 | London's Economy: London's Visitor infrastructure; Arts, Culture and Entertainment | 'hot seat' with other London Boroughs |
| Mon 12 th July | 4.10, 4.11 & 4.12 | London's Economy: New and Emerging Economic Sectors; Encouraging a Connected Economy; Improving opportunities for all | 'hot seat' with other London Boroughs |
| Tues 13 th July | 4.7 & 4.8 | London's Economy: Retail and town centre development; Supporting a successful and diverse retail sector | 'hot seat' with other London Boroughs |
| Tues 13 th July | 4.9 | London's Economy: Small Shops | 'hot seat' with other London Boroughs |
| Thurs 15 th July | 5.1 | Climate change mitigation and adaptation | |
| Mon 6 th Sept | 5.13 | Sustainable Drainage | |
| Tues 7 th Sept | 5.17 | Waste capacity | 'hot seat' with other London Boroughs |
| Thurs 8 th Sept | 6.1 | Strategic Approach to Transport | |
| Thurs 8 th Sept | 6.2 | Providing transport Capacity and Safeguarding Land for transport (Including Table 6.3) | 'hot seat' with other London Boroughs |
| Thurs 8 th Sept | 6.3 & 6.4 | Assessing Transport Capacity (6.3) and Enhancing London's Transport connectivity (6.4) | |
| Fri 10 th Sept | 6.6 | Aviation | |
| Mon 13 th Sept | 6.11 | Smoothing traffic flow | |
| Mon 13 th Sept | 6.13 – 6.15 | Parking | |
| Tues 14 th Sept | 7.4 | Local Character | |
| Tues 14 th Sept | 7.10 | World Heritage Sites | |
| Thurs 16 th Sept | 7.19 | Biodiversity and access to nature | |
| Thurs 16 th Sept | 7.22 | Land for Food | |
| Fri 17 th Sept | 7.16 & 7.17 | Green Belt and MOL | |
| Thurs 23 rd Sept | 8.4 | Monitoring and Review | 'hot seat' with other London Boroughs |
| Tues 5 th Oct | 3.3 | Increasing Housing Supply and Table 3.1 | 'hot seat' with other London Boroughs |
| Fri 8 th Oct | 3.6 | Children and Young People | |
| Fri 8 th Oct | 3.7 | Large Residential Developments | |
| Mon 11 th Oct | 3.9 | Gypsies and travellers | 'hot seat' with other London Boroughs |
| Thurs 14 th Oct | 3.14 | Affordable housing thresholds | 'hot seat' with other London Boroughs |
| Fri 15 th Oct | 3.15 | Existing Housing | |

4. POLICY IMPLICATIONS

Bromley's Core Strategy and other Development Plan Documents will need to be in conformity with the London Plan when it is adopted by the Mayor.

| | |
|---|--|
| Non-Applicable Sections: | Financial, Legal, Personnel |
| Background Documents: (Access via Contact Officer) | Draft Replacement London Plan, October 2009 Draft List of Matters and Participants, March 2010 Guidance Notes for Participants, March 2010 |

REPRESENTATIONS MADE TO THE DRAFT REPLACEMENT LONDON PLAN

Appendix 1

Policy 2.13 Opportunity Areas and Intensification Areas

These are typically built up areas with good existing public transport accessibility which can support redevelopment at higher densities. They have significant capacity for new jobs and homes.

Planning frameworks for these areas should focus on implementation, identifying both the opportunities and challenges that need resolving such as land use, infrastructure, access, energy requirements, spatial integration, regeneration, investment, land assembly and phasing. With the support from strategic partner, they should set realistic programmes and timescales for delivery.

Background

Bromley responded to a GLA consultation earlier this year highlighting concerns that the identification of some Metropolitan Centres as Opportunity or Intensification Areas may lead to an unequal approach to infrastructure and other investment decisions to the detriment of other Metropolitan Centres.

Building a Better Bromley identifies as a strategic priority the redevelopment of Bromley's Town Centres, to achieve long term prosperity in the Borough.

The Council has already committed, via the submission of the Bromley Town Centre Area Action Plan (2009), to promoting a more intensive form of development in the town centre. Over the lifetime of the Plan this could amount to an additional 42,000 sqm of retail floorspace, 7,000 sq m of offices, 5,000 sqm of leisure space, 2,000 new homes and over 2,000 new jobs. Delivering these quantum will be subject to the provision of the appropriate physical and social infrastructure needed to support this level of growth.

In terms of potential growth what is being proposed in the AAP certainly meets the criteria for the designation under Policy 2.13. Indeed, the projected level of growth compares favourably to the other Metropolitan Centres, as much as Ilford and Wood Green, who have been included as Opportunity Areas in the Plan and Harrow which is identified as a new Intensification Area. We understand that the London Borough of Kingston is currently reviewing the status of Kingston Town Centre in this context.

The spatial strategy for Bromley Town Centre, promoted by the AAP, recognises the contribution the Opportunity Sites in the town centre can make in accommodating employment and housing growth and safeguarding more sensitive areas of the Borough. By promoting its designation as an Opportunity Area under Policy 2.13, the Council can ensure that future infrastructure funding programmes of the GLA family: Transport for London, London Development Agency and other external agencies such the Homes & Communities Agency and Network Rail are aligned to deliver the enabling infrastructure. There has been a recognised failure in the past for central agencies to adequately fund infrastructure in Outer London and the London Plan makes clear that in future Opportunity Areas will be prioritised for funding.

It is requested that Policy 3.13 of the draft London Plan be amended to include Bromley Town Centre as an Opportunity Area with targets of 2000 Housing units and 2,000 jobs.

Appendix 2

Policy 3.3 Increasing housing supply

The policy seeks to improve housing choice and affordability and provide better quality accommodation for Londoners by setting an annual average housing provision monitoring target for each borough. The policy refers to Table 3.1 (p66) showing LBB with a provisional annual monitoring target of 565 dwellings from 2011 to 2021.

It is essential that the figure in Table 3.1 for the borough is realistically achievable. If housing completions do not come forward at the rate assumed in the target there is a risk that developments at densities out of character with local context or on sites in the Green Belt or MOL will be promoted by developers as a means of meeting what is perceived to be a shortfall against the target.

Background

The Council's Annual monitoring Report for 2009 contains a housing trajectory. The current London Plan target figure for Bromley of **485** for the period 2007 to 2016 is used to monitor current performance in terms of housing completions; annual completions are currently running ahead of this target. For the years after 2011 the new draft London Plan monitoring target of 565 has been used (although this has not been agreed by the Council). When monitored against the new target there is a continuing shortfall in housing completions occurring into the future. This demonstrates that the new London target figure is too high and will result in notional shortfalls occurring in the future.

The annual average housing provision monitoring targets used by the GLA in the draft London Plan is made up from two elements: an annual large sites allowance and an annual small sites allowance. The large sites allowance is based on a list of some 65 sites in the borough, over 0.25 hectares, identified in the Strategic Housing Land Availability Assessment (SHLAA) where housing is expected to come forward in the period 2011 to 2021. The total number of units on each site is discounted by a 'probability factor' to account for the fact that not all the sites will come forward. The list includes sites that already have planning permission including those lost on appeal eg at Blue Circle (788 units).

The small sites allowance is based on an estimate of net completions taking place in the past. This is discounted to take account of the future policy on protecting garden land.

The basis of the Council's objection is as follows:

- (i) The sites identified in the SHLAA need to be reviewed insofar as there some among the 65 sites that are considered unlikely to come forward for development in the period 2011 to 2021;
- (ii) The small sites allowance has been reduced by GLA officers to reflect a more normal completions rate in contrast to the boom in housing development in recent years. It has been discounted to take account of a likely effect of a future policy to protect garden land. It may need to be reduced still further however to reflect future policies aimed to ensure that the character of residential areas where such developments take place is not adversely affected by unsympathetic development;
- (iii) The SHLAA refers to several sites that have gained permission as a result of appeals. These were determined by Inspectors who had perceived a shortfall of housing as monitored against previous targets. These sites should not be counted in the SHLAA as they have the effect of inflating the target figure;
- (iv) There has been a decline in the number of planning applications reflecting the effects of the recession; this will feed through into a downturn in completions in

three to four years time. This effect has not been adequately reflected in the monitoring targets.

Further analysis has been carried out in respect of sub para (i) above which could further reduce the annual monitoring target.

LB Bromley's Response

OPPOSE Policy 3.3 on the grounds that 565 dwellings per annum is too high a target that will put Green Belt and MOL at risk in the future.

AMEND Table 3.1 to show a lower figure for Bromley that reflects the analysis above

Appendix 3

Policy 3.9 Gypsies and travellers (including travelling show people)

The policy refers to Table 3.4 (pg77) which sets out Gypsy and Traveller Pitch Provision 2007-2017; required provision for Bromley is 58 pitches.

Bromley opposes this figure as set out below.

Background

A London wide Gypsy Traveller Accommodation Needs Assessment (GTANA / GTAA) was carried out by Fordhams in 2007 and the final report produced March 2008. The GTAA, which in accordance with circular guidance, included an element of provision for gypsies & travellers currently in houses but with a “psychological aversion” to bricks and mortar, produced an overall additional requirement for Bromley of a 119 pitches by 2017. At the time the first drafts were published in November 2007 and January 2008 officers of the Council made representations about the inclusion of ‘psychological aversion to bricks and mortar’ being classed as a ‘need’ for the purposes of the Assessment

In developing the draft London Plan the GLA undertook three informal consultations with local authorities regarding the translation of the findings of the GTAA into London Plan borough pitch targets.

Bromley’s responses of 28th March, 21st August and 11th September raised a number of objections to a range of suggested pitch requirements, from which the target within the draft London Plan was ultimately derived. A number of issues were raised during the informal consultation and several remain outstanding. Bromley objects to the target figure of 58 pitches on the basis of the following issues.

Housed Gypsies and Travellers - Draft London Plan para 3.48 notes that 72% of the need identified by the GTAA comes from Gypsies & Travellers who already live in bricks and mortar.

In line with Bromley’s informal representations the London Plan target has moved away from the GTANA maximum need figure with its significant provision for housed gypsies and travellers (some 79 pitches). This move is welcomed however it is noted that the Bromley target still seeks approximately 30 pitches which would address the needs of those “psychologically averse” to bricks & mortar.

Bromley believes this figure to be artificially and unacceptably high for the reasons set out below:

As highlighted in previous representations we are concerned that the original maximum needs figure (upon which the current reduced target is based) is derived on the basis of families with “a cultural tradition of nomadism and/or caravan dwelling” (Housing Act 2004 section 225) rather than “Persons of nomadic habit of life” (the planning definition as set out in Circular 1/2006)

The GTANA itself indicates that the accommodation need identified in the GTANA includes gypsies & travellers for whom bricks and mortar accommodation is unsuitable due to the “psychological effects brought about by giving up the traditional, caravan-based life” (para

1.12). As stressed in early representations on the GTANA (Nov 2007) some of those included in the study in Bromley were 2nd & 3rd generation. Although they have kept their distinct cultural identity and are legally recognised as an ethnic group, protected under the Race Relations Act (1976) they have not personally experienced, and therefore cannot have “given up” the traditional caravan-based life.

Bromley therefore contends that the maximum figure (from which the current reduced figure was derived) over estimates the need related to “psychological aversion” which has been applied to the wider ethnic group and is therefore artificially high.

Additionally whilst Bromley acknowledges that a degree of provision for housed gypsies & travellers is required by the circular it has not been Bromley’s experience that housed gypsies and travellers within Bromley borough are actively seeking pitches - none have sought to join the waiting list, which consists chiefly of those currently living on pitches but seeking additional pitches due to increases in family size.

Bromley welcomes the priority need for provision for groups already living in caravans as opposed to the need created by the alleged psychological aversion to bricks and mortar accommodation. Provision beyond this minimum need in Bromley, in advance of the London wide minimum need having been met elsewhere would lead to an increased inequality of provision, contrary to the intentions of para 3.50 of the draft plan which seeks a more even distribution of provision than in the past.

Distribution of Pitches across London – The target figure of 58 pitches in Bromley reflects the informally discussed option whereby the “need” has been given twice the weight of the available “land”. This supports the contention that need should be met where it arises. Bromley raises objections to this approach for the following reasons:

Clearly such an approach leads to a higher target for boroughs where there is already a large gypsy & traveller community, such as Bromley. Such an approach appears to be contrary to the intentions of draft London Plan para 3.50 which seeks a more even distribution of provision than in the past. Bromley is further penalised due to the artificially high figure produced in the GTAA for settled travellers (as discussed above).

As stressed in previous informal consultations Bromley is strongly of the view that the availability of “land” (which is a matter of fact being pushed to the limit through tough SHLAA* negotiations) should be given twice the weight of need since there is clearly a flexibility about where that need can be met. There is no requirement for need to be met where it arises in circular guidance, neither is there a call from the Gypsy & Traveller community for need to be met where it arises, since they themselves favour a minimum provision in every borough, including those where there is currently no or very limited provision.

The distribution of gypsy and traveller sites should be considered carefully to avoid clustering which can cause tensions between groups. In line with the circular (para12) the provision should be made fairly and effectively and with a view to “creating and supporting sustainable, respectful and inclusive communities”. Bromley’s target is far in excess of those for other Boroughs (16 pitches more than the second place borough of Havering and 42 pitches above the average figure of 16 pitches across all boroughs). This is contrary to the redistribution intentions of para 3.50, and an increased inequality of distribution across London may present pressures in community relations, potentially straining relations between the gypsy & traveller community and the general population where the provision is further intensified. Consideration also needs to be given to the effect of clustering across Borough boundaries, particularly in South East London in the Cray Valley / Footscray area, straddling Bromley & Bexley.

* the 2009 SHLAA figure of 684 annual housing capacity upon which the “land” figure is based has not been agreed by Bromley.

LB Bromley’s Response

OPPOSE Policy 3.9 which indicates a required pitch provision of 58.

AMEND Table 3.4 to set a target for Bromley based on the availability of “land” being given twice the weight of “need”.

WELCOME the acknowledgement within the policy that the priority is to address the needs of groups already living in caravans on sites. Particularly given Bromley’s concerns relating to the derivation of the Bromley element relating to meeting the needs of housed gypsies & travellers.

Further response to the Minor Amendment to Draft Replacement London Plan Policy 3.9 Gypsies and Travellers

The draft replacement London Plan (October 2009) set a pitch provision requirement for Bromley of 58 additional pitches between 2007 and 2017. The Minor Amendment has the effect of reducing the provision in Bromley to 17 additional pitches between 2007 and 2017. The Council’s response, sent to the GLA on 11th May 2010, was as follows:

The amendments to the Gypsy and Traveller pitch targets are welcomed, addressing Bromley’s various concerns as outlined during the consultation phase and provide a realistic and sustainable target capable of implementation.

The reduction in the targets for Transit Pitches & Showpeople Plots is also welcomed although the manner of their allocation remains unclear.

- *The provision of 15 Transit Pitches could not be evenly distributed as this would result in 0 or 1 per authority. The CLG “Designing Gypsy & Traveller Sites Good Practice Guide” recommends accommodation for a resident manager (to deal with the “particular management challenges” of transit sites). In order to achieve a critical mass worthy of a resident manager there could only really be 1, 2 or maybe 3 sites (the guidance indicating 15 to be the recommended maximum number of transit pitches on a site. The provision of Transit Pitches will therefore fall on particular boroughs.*
- *Similarly, the distribution of 53 plots for Travelling Showpeople will also be difficult to evenly distribute since it is likely to involve grouping related to family / funfair business. It should be noted that the land take for Plots will be greater than for Gypsy & Traveller pitches due to the need for yard space to carry out activities relating to the Showpeople’s business (storage & repair of fairground equipment).*

To ensure that the Governments equity concerns are fully addressed (draft amendment document paras 23 & 27) it is suggested that it The London Plan make it explicit that Boroughs catering for any additional Travelling Showmen Plots will not be required to contribute to meeting the need for Transit Pitches (and visa versa).

This page is left intentionally blank

Agenda Item 12

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is left intentionally blank