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DATE: 19 August 2010

To: Members of the
DEVELOPMENT CONTROL COMMITTEE

Councillor Alexa Michael (Chairman)

Councillor Charles Joel (Vice-Chairman)

Councillors Reg Adams, Douglas Auld, Eric Bosshard, Katy Boughey,

Lydia Buttinger, Peter Dean, Simon Fawthrop, Peter Fookes, Will Harmer, John Ince,

Russell Jackson, Paul Lynch, Anne Manning, Russell Mellor and Richard Scoates

A meeting of the Development Control Committee will be held at Bromley Civic Centre on **TUESDAY 31 AUGUST 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 22 JULY 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 5 pm on Tuesday 24 August 2010 and to respond.

5 PLANNING REPORTS (Pages 11 - 28)

Ward	Application Number and Address of Development
Chelsfield and Pratts Bottom	(10/01078/FULL1) - Holy Innocents RC Primary School, Mitchell Road, Orpington
Shortlands	(10/01276/VAR) - 50-52 Shortlands Road, Shortlands, Bromley

6 "MY UNRULY FRIENDS" - TREE PRESERVATION ORDERS

Presentation by Coral Gibson, Principal Trees Officer

7 LINK BETWEEN LICENSING AND PLANNING

Presentation by Paul Lehane, Food, Licensing, Occupational Health and Safety Manager

8 ENFORCEMENT - QUARTERLY MONITORING REPORT (Pages 29 - 32)

9 THE MAYOR OF LONDON'S STATEMENT ON THE LONDON PLAN TARGETS (Pages 33 - 42)

10 BROMLEY TOWN CENTRE CONSERVATION AREA STATEMENT (Pages 43 - 46)
(Appendix to follow)

11 ADOPTION OF THE BROMLEY TOWN CENTRE AREA ACTION PLAN (Pages 47 - 52)

Agenda Item 3

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 22 July 2010

Present:

Councillor Alexa Michael (Chairman)
Councillor Charles Joel (Vice-Chairman)
Councillors Reg Adams, Eric Bosshard, Katy Boughey,
Lydia Buttinger, Simon Fawthrop, Peter Fookes, Will Harmer,
John Ince, Russell Jackson, Paul Lynch, Anne Manning,
Russell Mellor and Richard Scoates

13 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

An apology for lateness was received from Councillor Eric Bosshard. Apologies for absence were received from Councillors Douglas Auld and Peter Dean.

14 DECLARATIONS OF INTEREST

There were no declarations of interest.

15 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 25 MAY 2010

RESOLVED that the Minutes of the meeting held on 25 May 2010 be confirmed.

16 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

The following three questions were asked by Ms Elizabeth Day:-

Question 1

"In the planning process objectors are invited to comment on any revised plans . Where, having obtained permission, the applicant revises the plans and reduces the side spaces, should all previously notified persons be re-consulted or indeed should the applicant be advised to submit a new planning application?"

Chairman's Response

"There is a statutory requirement to publicise most planning applications by way of neighbour notification or site notice and in some cases a press advertisement is also necessary. Where revised plans are subsequently

received, there is no statutory obligation on the Council to re-notify residents/objectors but this is normally done as a matter of good practice."

As a supplementary question, Ms Day asked if the same applied where an application involved garden land.

The Chairman confirmed there would be no difference.

Questions 2 and 3 (taken jointly)

"Is it unusual for the Council to choose not to take enforcement action if foundations are laid for a new build which do not comply with the consent given?"

"Where planning approval is subject to conditions, residents can presumably expect items such as revised plans and notes of conversations with the developer to be made available on enquiry. Within how many days of receipt would you expect the planner to be aware of revised plans having been submitted?"

Chairman's Response

"If there is a material change in a proposal after planning permission is granted, this would normally be the subject of a fresh planning application and would involve further local publicity. In respect of the land to the rear of 70 Pope Road, which is understood to be the case in question, there was a condition attached to the latest permission which required the detailed siting of the houses to be agreed before commencement. Although these details are currently with the Council, it is apparent that works involving a revised siting have commenced without the required approval. The developers have therefore been advised verbally and in writing to stop work and a report on the issue is to be presented to the Plans Sub Committee on 29th July. There is no requirement to consult residents on details required by condition but in this case the matter is being considered at Committee and they will have an opportunity to comment".

As a supplementary question, Ms Day asked whether revised plans should be made available on file for the public to view at Planning Reception or on the Council's website.

The Chief Planner responded by explaining that revised plans and information to discharge planning conditions submitted after a decision is taken, are required to satisfy the terms of the decision and are supplemental to the original application. With regard to the specific case in question this was being presented to Plans Sub-Committee on 29th July and if Ms Day wished to address that Committee she should register her intention to do so by 10.00 a.m. on 28th July.

17 PLANNING REPORT

The Committee considered the Chief Planner's report on the following planning application:

1. PENGE AND CATOR WARD	(10/01069/FULL1) Part one/three storey block comprising extra care housing with communal facilities (41 one bedroom and 9 two bedroom flats) with 18 car parking spaces at Anne Sutherland House, Thesiger Road, Penge, London SE20.
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Oral representations in objection to and in support of the application were received at the meeting.

Members' attention was drawn to an error on page 12 of the report. The site mentioned in the penultimate line of the paragraph headed 'Location' should read 'Kent House Road' not 'Kings Hall Road' as stated.

Several questions were raised concerning the number of car parking spaces available. Members were informed that the car parking facilities were based on a survey conducted by the applicant involving similar extra care housing schemes.

The Chief Planner commented that public transport accessibility levels around the site were at the higher end of the spectrum with seven bus routes within a 600 metre radius of Anne Sutherland House and four or five train stations which were easily accessible.

In relation to the needs of residents with disabilities, Members were informed that all flats would be built to a standard design which would need little adaptation should the need arise.

Concerns were raised over the loss of some trees at the site and it was suggested that a condition be added to resolve this issue.

It was also suggested that a slab level condition be added to resolve the problem of overlooking.

The Chief Planner drew Members' attention to condition 8 on page 16 of the report. He confirmed that a palette of materials had been received and accepted.

Members having considered the report, objections and representations **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions and informative set out in the report of the Chief Planner with condition 8 amended to read:-

'8 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and/or drawings unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.'

A further two conditions were added to read:-

'18 Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

19 If any of the trees on the Parish Lane frontage shown on the approved plans to be retained die or become seriously damaged within five years of the completion of the development hereby permitted, they shall be replaced with a similar number of heavy standard nursery stock of a species to be approved by the local planning authority.

REASON: In order to comply with Policy NE8 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.'

18 SECURED BY DESIGN

PC Mick Lane, Crime Prevention Advisor, Bromley Borough Police, gave a presentation to the Committee showing various examples of good designs which reduced the opportunity for criminality and bad designs which helped to enable criminal actions. Phase 2 of the Ramsden Estate redevelopment was quoted as an example of good design.

The unit was established in 1989 at a time when there was a rising tide of house burglaries. The team liaises with the Planning Department on Secured by Design (SBD) applications for all new developments not just housing and offices, with the aim of achieving a safe, secure and sustainable environment. All developers are required to achieve the 'Secured by Design' Accreditation awarded by the Metropolitan Police. No fee is charged and an Accreditation is awarded upon completion of the works specified in the application.

The SBD guide focuses on the need for windows and doors (communal doors in particular) to ensure a good standard of security is achieved. It specifies the use of good lighting and stipulates that no alleyways should be incorporated where easy access can be gained to the rear of properties.

The Unit liaises with Bromley Safer Partnership Board and Safer Neighbourhood Panels to assist residents in resolving issues where criminal activity had occurred due to design problems.

PC Lane was pleased to report that crime levels in original SBD sites sustained 62% fewer burglaries in newest SBD developments.

Various questions were raised by Members and responded to.

The Chairman thanked PC Lane for his very informative and interesting presentation.

19 ADVISORY PANEL FOR CONSERVATION AREAS (APCA)

The Committee received a presentation from Mr David Wood, Chairman of the Advisory Panel for Conservation Areas (APCA) and Ross Jones a long-serving member of APCA, outlining the history of this body, how it had been formed and its current means of operation.

APCA was established in 1971 from the Civic Amenities Act 1967 which had provided powers for the creation of Conservation Areas. There were currently 45 Conservation Areas within the Borough, the main criteria for the designation of which were the preservation and enhancement of Statutory Listed, Locally Listed or historical buildings e.g. churches and cathedrals. All trees within Conservation Areas are automatically protected. APCA liaises with the Development Control Committee and Planning Sub-Committees with the aim of safeguarding these areas. Its activities are largely confined to commenting on significant planning applications.

APCA is a voluntary service with a core Committee of seven members selected at an Annual General Meeting. Membership generally comprises representatives from bodies such as RIBA or the Town Planning Institute. Meetings are held every four weeks and are not open to the public.

Councillor Mrs Anne Manning complimented APCA on the excellent service it provided. She was, however, concerned to learn that some Conservation Areas no longer had representatives. Mr Wood responded by informing Members that representatives were being sought through liaison with the Residents Federation and Residents Associations.

The Chief Planner also thanked APCA for the useful service it provided over many years.

Various questions were raised by members and responded to.

The Chairman thanked Mr Wood and Mr Jones for their interesting and informative presentation.

20 RECENT CHANGES TO PPS3

Report DRR10/00078

In accordance with the Government's proposals to decentralise the planning system, two changes had been made to Planning Policy Statement 3 Housing, both of which had a beneficial impact on local authorities.

The exclusion of private residential gardens from the definition of previously developed land in Appendix B of the Policy enabled authorities to manage development in residential areas by considering applications on an individual basis and refusing inappropriate development.

The removal of the minimum density of 30 dwellings per hectare enabled a better mix of homes to be built for the local community and would encourage the development of more family homes.

RESOLVED that the report and the implications that the amendments to PPS 3 will have on decision making be noted.

21 BIGGIN HILL HERITAGE CENTRE WORKING PARTY

Report LDCS10113

The Committee gave consideration to the reappointment of the Biggin Hill Heritage Centre Working Party and to the membership for 2010/11.

RESOLVED that the Biggin Hill Heritage Centre Working Party be appointed for the 2010/11 Municipal Year and that the membership comprises Councillors Mrs Anne Manning, David McBride, Gordon Norrie and Richard Scoates.

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

RESOLVED that the Press and public be excluded during consideration of the items of business referred to in the following Minutes 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.

**The following summary
refers to a matter
involving exempt information**

23 EXEMPT MINUTES OF THE MEETING HELD ON 25 MAY 2010

RESOLVED that the exempt Minutes of the meeting held on 25 May 2010, be confirmed.

The Meeting ended at 9.30 pm

Chairman

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Agenda Item 5

Application No : 10/01078/FULL1

Ward:
Chelsfield And Pratts
Bottom

Address : Holy Innocents RC Primary School
Mitchell Road Orpington BR6 9JT

OS Grid Ref: E: 545694 N: 165116

Applicant : The Trustees Of The Roman Catholic
Diocese Of Southwark

Objections : YES

Description of Development:

Replacement single storey one form entry primary school (including nursery class) with 42 car parking spaces and extension to playing field. Retention of scout building with car park. 9 detached/ linked detached houses with attached garages

Proposal

This application comprises two key elements;

(1) the demolition of all the existing school buildings (although the scout building is shown to be retained) and erection of a new single storey, one form entry primary school (including nursery class) with alterations to levels to provide hard and soft play areas, and associated parking; and

(2) 9 detached / linked houses with attached garages on the area currently occupied by the existing car park, which fronts on to Mitchell Road.

Members will recall that an earlier planning application for a new school building and a residential element comprising two and three storey residential blocks comprising 22 flats on the car park area was refused permission by the Plans Sub-Committee No 2 under Ref. 08/03595 by decision dated 2nd June 2009. The refusal grounds related to (1) overdevelopment of the site (2) encroachment on to designated Urban Open Space (UOS) and (3) traffic concerns.

This application is accompanied by various supporting documents, including a Planning Report, Transport Statement, Arboricultural Report, Ecology Report, Flood Risk Report, which are on file for Members' inspection.

The applicants state, amongst other things, in their submissions that: the school buildings are old, past their useful life, and are not ideal for modern teaching; they are spread over the site which is not ideal; and it is difficult to ensure the existing buildings are DDA compliant. Also, the current need is for a single entry school rather than 2.5 entry form, and the existing site is therefore too large. Hence this planning application

is both for a new school as well as housing development on part of the site. It is argued that a new school would have considerable educational benefits.

The applicants state that the existing school buildings, dispersed over a wide area, are unsuited to modern requirements and the proposed new school will concentrate all facilities in one single storey modern building. It is stated that because it has not been possible to secure funding for the project from the DfES, new residential development is necessary to fund the new school building.

The applicants state in their Planning Statement: 'Planning Considerations – Layout Options' that 4 options were considered for the school, as follows: (1) lower part of site; (2) on playing field; (3) centre of site; (4) southern centre of site. Option 3 was considered the most acceptable by the applicants, in terms of achieving the desired aims and objectives. Thus, if granted permission, the new school would be located centrally within the site.

Location

The site is located on the northern side of Mitchell Road. The existing buildings comprise a mix of Victorian and more modern school buildings (1960s and 1970s). The existing buildings are concentrated on the southern portion of the site, whilst the northern portion is open space used for sports pitches. The site is surrounded by residential properties on all sides – Stapleton Road runs around the site with Mitchell Road to the south.

The site is an irregular oblong shaped area mostly designated as Urban Open Space (UOS) in the Unitary Development Plan where Policy G8 applies, except for the existing parking area fronting Mitchell Road. From this lower part of the site the land rises steeply. Rising up the slope beyond the car park there is a tar macadam play area, beyond which are located the original Victorian School buildings. The more recent school buildings are located in the lower portion of the site, separated from the Victorian buildings. As the land rises in a northerly direction, there is a wide expanse of grassed open space which includes a playing field and there are a number of mature trees on the boundary. The north-east and north-west boundaries of this area back on to the gardens of the properties in Stapleton Road and Wayne Close. The south west corner of the site contains a nature area and abuts residential properties in Shepherds Close, Bishop Butt Close and St Anne's Convent. There is an existing Scouts' Community Building near to the boundary with the gardens of houses in Bishop Butt Close.

Consultations

Comments from local residents

- object to more housing
- increased traffic congestion
- lack of parking and concerns over highway impact
- concerns about overflow parking for church
- over-development of the site, out of character with area
- disruption from construction works during demolition and rebuilding
- loss of amenity, loss open space, loss of trees – this will adversely affect character of estate
- increased pressure on local services
- not clear why replacing a 2.5 entry school with a 1 form entry school
- apparent significant loss of outdoor exercise space.
- rebuilding the school will disrupt children's education

Comments from Consultees

Thames Water – no objections raised.

Environment Agency (EA) – no objections subject to the imposition of various conditions.

Housing Division – no objections.

Children and Young People Services – support the application.

Trees – no objections are raised subject to the imposition of conditions.

From a drainage point of view, it is noted that the application is in an aquifer protection zone, and should therefore be referred to the EA. The nearest public foul sewer is at the junction of Mitchell Road and Stapleton Road. The applicants will need to connect to that sewer. It is requested that a standard drainage condition be imposed, and the surface water drainage of the overspill parking area should be fitted with an oil interceptor prior to the soakaway.

From an environmental health point of view, no objections are raised subject to conditions.

From a highways standpoint, no fundamental objections are raised in principle, although various detailed comments have been made.

Planning policy – notwithstanding that replacement school will be set back into the slope and will be lower than the majority of existing buildings, concerns are raised

about impact on the openness of the Urban Open Space (UOS). Any benefits will need to be weighed against the impact on UOS.

From an ecology standpoint, were permission to be granted, it would be necessary to require a bat survey of the buildings to be demolished as suggested in the applicant's Ecology Report be undertaken. The preferred period for a bat survey is from May to September when bats are most active. The Council's ecology expert also endorses the mitigation and enhancement proposed at paragraph 5.2 of the applicant's Phase 1 Habitat Survey.

Crime Prevention – various issues are raised, and a 'Secure by Design' condition is proposed.

Planning Considerations

The starting point is the development plan and any other material considerations that are relevant. The adopted development plan in this case includes not only the Bromley Unitary Development Plan (2006) but also the updated London Plan (2008). Relevant guidance in the form of Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs), as well as other guidance and relevant legislation, should also need to be taken into account.

In considering the application the following UDP Policies are particularly relevant:

- H7 - Housing Density & Design
- BE1 - Design of New Development
- G8 – Urban Open Space
- T3 - Parking
- T18 - Road Safety
- C1 – Community facilities
- C7 – Educational and pre school facilities
- IMP1 - Planning Obligations

As part of the application process, it was necessary for the Council to give a Screening Opinion as to whether an Environmental Impact Assessment was required. The proposal constitutes Schedule 2 development within the meaning of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. After taking into account the selection criteria in Schedule 3 of the Regulations and the terms of the European Directive, it is considered that the proposed development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size and location. This opinion is expressed taking into account all relevant factors including the information submitted with the application and representations received, advice from technical consultees, the scale/characteristics of the existing and proposed development on the site.

Planning history

This application follows from a previous application comprising the redevelopment of the school and construction of 22 flats which was refused permission on 2nd June 2009 for the grounds set out above.

An earlier scheme was withdrawn prior to determination (Ref.07.03185). This earlier withdrawn scheme (Ref. 07.03185) proposed the construction of 9 detached houses on an area designated as Urban Open Space (UOS) which would have been contrary to adopted policy regarding designated UOS. Policy G8 states that proposals for new development on UOS will only be allowed in limited and specific circumstances, which do not include the provision of new residential development.

Conclusions

Members will need to consider carefully whether the proposals comply with relevant development plan policies, specifically those within the Bromley Unitary Development Plan and the London Plan. Members will need to assess whether the design, density and overall arrangement and disposition of the both the residential and educational elements of the scheme would be appropriate in this location, having regard to the nearby adjacent residential properties and the sensitive nature of the site, especially its UOS designation.

There is no objection to rebuilding the school in principle and improved school facilities are supported by adopted UDP policy. In order to address the concerns relating to the previous scheme, the applicants are now proposing 9 houses rather than 22 flats on the car park area, which generally lies outside the protected Urban Open Space Area. This arrangement is considered to be an improvement over the earlier proposal, and is less likely to result in an overdevelopment of the site.

With regards to the proposed school buildings, these would be located within Urban Open Space (as is the existing school). Compared with the earlier refused application, the school buildings have been reduced in size (by reducing floor area and removing a second hall), and the building has been moved so it is closer to the existing scout hut. As a result, the school would lie a greater distance from the boundary with existing residential properties in Stapleton Road and Wayne Close. The separation between the school building and the residential properties would be increased by around 10 metres at their closest point. The junior hard play area is shown as retained in its existing position, rather than located in the upper part of the site. Policy G8 does allow for development which is related to the existing use, in this case education, provided that the scale, siting and size of proposals do not unduly impair the open nature of the site. The school buildings are single storey so should not appear unduly bulky and are concentrated in a single location, rather than spread over the site. Policy G8 also requires the Council to weigh any benefits being offered to the community against any loss of open space. Benefits in this case include the provision of improved educational facilities, as well as some additional housing.

Members will need to carefully assess the impact on the UOS, as well as any benefits, given the provisions of Policy G8.

In terms of highway matters, no fundamental objections are raised although a number of detailed matters require attention, which can be addressed by way of conditions. The applicants have confirmed that the new car park will provide 40 spaces for the use of staff and parents and as well a church overspill parking area at weekends.

In terms of drainage matters, the site is within an aquifer protection zone and the application has been referred to the Environment Agency, which has raised no objections subject to appropriate conditions being imposed. The flood risk assessment concludes that the site is not at risk from fluvial flooding, which accords with the Council's expert view on drainage and flooding.

To conclude, the applicant's submissions regarding the need for new school buildings as well as the various problems associated with the site as it is currently arranged are noted, as well as the need to provide housing development in order to fund the school works. There is no in principle objection to rebuilding the school buildings to improve the quality of accommodation. However, Members will need to assess whether the cumulative advantages that accrue from permitting the proposals, including educational and wider community benefits, outweigh any disadvantages, including any impact on the UOS.

Background papers referred to during the production of this report comprise all correspondence on files Refs. 10/01078, 08/03595 and 07/03185 excluding exempt information.

RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED

The proposal constitutes a cramped overdevelopment of the site by virtue of the size, layout and bulk of the buildings, and the amount of site coverage by buildings and hardstandings, and would harm the character of the area, thereby contrary to Policy BE1 of the Unitary Development Plan.

The proposed development, by reason of the siting and encroachment on to designated Urban Open Space, would have a detrimental impact on the open nature of the site, thereby contrary to Policy G8 of the Unitary Development Plan.

0D00002	If Members are minded to grant planning
D00003	If Members are minded to refuse pp
1ACA01	Commencement of development within 3 yrs
ACA01R	A01 Reason 3 years
2ACA04	Landscaping Scheme - full app no details
ACA04R	Reason A04
3ACB01	Trees to be retained during building op.

ACB01R	Reason B01
4ACB02	Trees - protective fencing
ACB02R	Reason B02
5ACB03	Trees - no bonfires
ACB03R	Reason B03
6ACB04	Trees - no trenches, pipelines or drains
ACB04R	Reason B04
7ACC01	Satisfactory materials (ext'nl surfaces)
ACC01R	Reason C01
8ACD02	Surface water drainage - no det. submitt
ADD02R	Reason D02
9ACD04	Foul water drainage - no details submitt
ADD04R	Reason D04
10ACH03	Satisfactory parking - full application
ACH03R	Reason H03
11ACH16	Hardstanding for wash-down facilities
ACH16R	Reason H16
12ACH19	Refuse storage - implementation
ACH19R	Reason H19
13ACH22	Bicycle Parking
ACH22R	Reason H22
14ACH23	Lighting scheme for access/parking
ACH23R	Reason H23
15ACI20	Lifetime Homes Standard/wheelchair homes
ADI20R	Reason I20
16ACI21	Secured By Design
ACI21R	I21 reason
17ACK09	Soil survey - contaminated land
ACK09R	K09 reason
18ACL01	Energy Strategy Report
ADL01R	Reason L01

19 Prior to the commencement of development hereby permitted, a scheme to deal with the risks associated with the contamination of the site shall be submitted to and approved in writing by the local planning authority.

Reason: the site is within a Source Protection Zone 1 and the Environment Agency recommends this condition in such areas.

20 Prior to the commencement of development hereby approved by this planning permission, a bat survey of the buildings to be demolished as suggested in the applicant's Ecology Report should be undertaken. The preferred period for a bat survey is from May to September when bats are most active.

Reason: In order to comply with Policy NE3 of the adopted Unitary Development Plan and in order to safeguard the interests and well-being of any bats on the site which are specifically protected by the Wildlife and Countryside Act 1981 (as amended).

Reasons for permission:

H7 Housing Density & Design
BE1 Design of New Development
G8 Urban Open Space
T3 Parking
T18 Road Safety
C1 Community facilities
C7 Educational and pre school facilities
IMP1 Planning Obligations

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

- (a) the character and appearance of the development in the street scene and wider area, including the Urban Open Space
- (b) the relationship of the development to adjacent and nearby property
- (c) the impact on the amenities of the occupiers of adjacent and nearby properties

- (d) the safety of pedestrians and motorists on the adjacent highway
- (e) the safety and security of buildings and the spaces around them
- (f) accessibility to buildings
- (g) the housing policies of the development plan
- (h) the design policies of the development plan
- (i) the transport policies of the development plan

Reference: 10/01078/FULL1

Address: Holy Innocents RC Primary School Mitchell Road Orpington BR6 9JT

Proposal: Replacement single storey one form entry primary school (including nursery class) with 42 car parking spaces and extension to playing field. Retention of scout building with car park. 9 detached/ linked detached houses with attached garages



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Application No : 10/01276/VAR

**Ward:
Shortlands**

**Address : 50 - 52 Shortlands Road Shortlands
Bromley BR2 0JP**

OS Grid Ref: E: 538979 N: 168912

Applicant : Mr Richard Percy

Objections : YES

Description of Development:

Variation of condition 5 of permission ref 04/00477, granted for single storey rear extension to No. 52 and change of use of No's 50 and 52 from residential (Class C3) to children's day nurse (Class D1) with 3 car parking spaces at front, to allow up to 60 children to be accommodated at any one time (RETROSPECTIVE APPLICATION)

Key designations:
Conservation Area: Shortlands

Proposal

Update

This application was deferred from Plans-Sub Committee on 12-08-2010 to be considered by Development Control Committee, following advice from the head of Legal and Democratic Services, as a majority decision could not be reached.

The applicant has submitted some additional supporting information regarding the number of WCs on the premises, the means of escape in case of fire, traffic impact, the number of children allowed in the nursery according to Ofsted guidelines, and when and for how long for children play outside. It has also been confirmed that "since 2004 to date there has been no complaints relating to noise recorded", and a supporting email from London Borough of Bromley's noise abatement team has also been attached.

Full details of this correspondence are available on the file. The previous report is repeated below.

Proposal

- Planning permission was granted under ref. 04/00477 for a Single storey rear extension to No. 52 and change of use of Nos. 50 and 52 from residential (Class C3) to children's day nursery (Class D1) with 3 car parking spaces at front.

- The permission included a condition which restricted the number of children attending the nursery to no more than 32 at any one time in order to safeguard the amenities of local residents and to ensure that the proposal did not have an unsatisfactory impact on on-street parking or highway safety.
- The proposal is to vary this condition to allow up to 60 children to be accommodated at any one time.
- The application is being made retrospectively since the condition has already been breached. There are currently 46 children attending the nursery.

Location

- The application site is a detached building which originally comprised of two semi-detached dwellings.
- The current use of the building is a children's nursery/pre-school (originally approved under ref. 03/03046)
- The site falls within the Shortlands conservation area.

Consultations

Comments from Local Residents

- 60 places would seem to be unsuitable in a building with only two upstairs toilets and just one steep staircase;
- increase in staff parking in Bromley Grove;
- increase in traffic delivering and collecting children;
- increase in noise;
- overdevelopment in a residential and conservation area;
- impact on adjoining properties;
- noise of children playing lasts all day;
- increase in pulling in and out of nursery close to bend is an issue;
- impact of 60 children will be detrimental to quiet enjoyment of property;
- unsuitable for a building of this size;
- increase in traffic could endanger children's safety;
- parking an issue in Shortlands Grove;
- number of children proposed appears to be in excess of numbers advised by child Care Act regs.

The full texts of the correspondence received relating to this application are available to view on file.

Comments from Consultees

The Council's Highways Development Engineers were consulted on the application and have raised no objections to the variation subject to a condition regarding satisfactory parking layout being applied to any approval.

The Council's Education division (Early Years) are in support of the application subject to Health and Safety and OFSTED approval.

The Council's Environmental Health (pollution) team have raised no objections.

Planning Considerations

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

BE1 Design of New Development
BE11 Conservation Areas
C7 Educational and Pre-School Facilities
T1 Transport Demand
T2 Assessment of Transport Effects
T18 Road Safety

4A.20 and Mayors Ambient Noise Strategy

PPS1 Delivering Sustainable Development

Planning History

There have been several planning applications in relation to this site. The most recent and relevant applications were as follows:

09/00733: Planning permission was granted for a Part one/two storey side/rear extension and increase in roof height to provide ancillary space for nursery. A condition was attached to the permission stating that "No additional children shall attend the nursery without the prior approval in writing of the Local Planning Authority".

08/02600: Planning permission was refused for roof alterations and second floor addition to provide ancillary space for nursery with external access steps.

06/04255: Planning permission was granted for a first floor rear extension – to date this has not been implemented.

Conclusions

The main issues relating to the application are the impact of the increased number of children attending the nursery on the amenities of nearby residents, and the effects on traffic, parking, and general conditions of road safety in this part of the Conservation area.

There have been numerous concerns raised from nearby residents about the increase in noise which may result from the additional children. At present there are 46 children attending the nursery. Whilst some additional noise may be incurred when the children are in the outside rear playground, this is not likely to be at all times of the year and would probably be weather dependant. Furthermore, the nursery is only in use Mondays to Fridays between the hours of 0800 and 1800 (as per condition 5 of permission ref. 04/00477). It is therefore considered that the increase from 46 to 60 children is unlikely to result in a significant loss of amenity to local residents. Furthermore, the applicant has assured that 60 is the maximum number of children that would be present at any one time and, of these, 25 would be 'sessional' and only 35 full-time attendees.

However, as the ref. 04/00477 permission only allowed 32 children to attend the nursery, the impact of the increase from 32 to 60 children must now be considered. On the one hand, as the breach of condition has been ongoing since 2006 and as the matter was only recently raised by local residents, it may be considered that current noise levels caused by 46 nursery attendees are not significantly detrimental to the enjoyment of surrounding properties. On the other hand, neighbours may have come to accept that the noise levels currently experienced are those to be expected from 32 nursery attendees and, should this application be refused and the breach of condition remedied, noise levels may decrease to more acceptable levels.

The second main issue relating to the application is the impact on parking, traffic, and general conditions of Highways safety in the vicinity of the nursery. The current level of use of the nursery does not appear to have resulted in any personal injuries or accidents in Shortlands Road in the vicinity of the site since the number of children attending the nursery was increased. In order to assess the potential impact that the proposed increase to 60 nursery attendees would have, the applicant has submitted traffic and parking surveys showing the amount of traffic and on-street parking in the vicinity of the site at various times of the day. The survey indicates that there are on-street parking spaces available for additional demand during the hours of maximum parking demand. As such, the proposal is considered acceptable in terms of the impact on highways safety and on-street parking.

To summarise, Members need to consider whether or not the increase in the number of children attending the nursery would lead to an increase in noise levels significant enough to have an unduly harmful effect on the amenities of nearby residents, even though only 35 of the nursery attendees would attend full time and the other 25 would be 'sessional'. Furthermore, there are currently already 46 children in attendance at the nursery. In terms of the effect on parking in the surrounding road network, there appears to be on-street parking spaces available for additional demand during the

hours of maximum parking demand and Members may therefore consider that the proposal would not significantly impact the local road network.

Background papers referred to during production of this report comprise all correspondence on file ref. 10/01276, excluding exempt information.

as amended by documents received on 21.07.2010

RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED

0D00002 If Members are minded to grant planning

1ACH03 Satisfactory parking - full application

ACH03R Reason H03

- 2 a) The children attending the day nursery/playgroup shall be between the ages of 0 and 5 years and not more than 60 children shall be accommodated at any one time.
- b) The use of the premises for the purpose permitted shall be limited to Mondays to Fridays inclusive between the hours of 0800 and 1800.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of nearby properties.

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
BE11 Conservation Areas
C7 Educational and Pre-School Facilities
T1 Transport Demand
T2 Assessment of Transport Effects
T18 Road Safety

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

- (a) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (b) the transport policies of the development plan;
- (c) the safety of pedestrians and motorists on the adjacent highway;
- (d) the preservation or enhancement of the conservation area.

and having regard to all other matters raised.

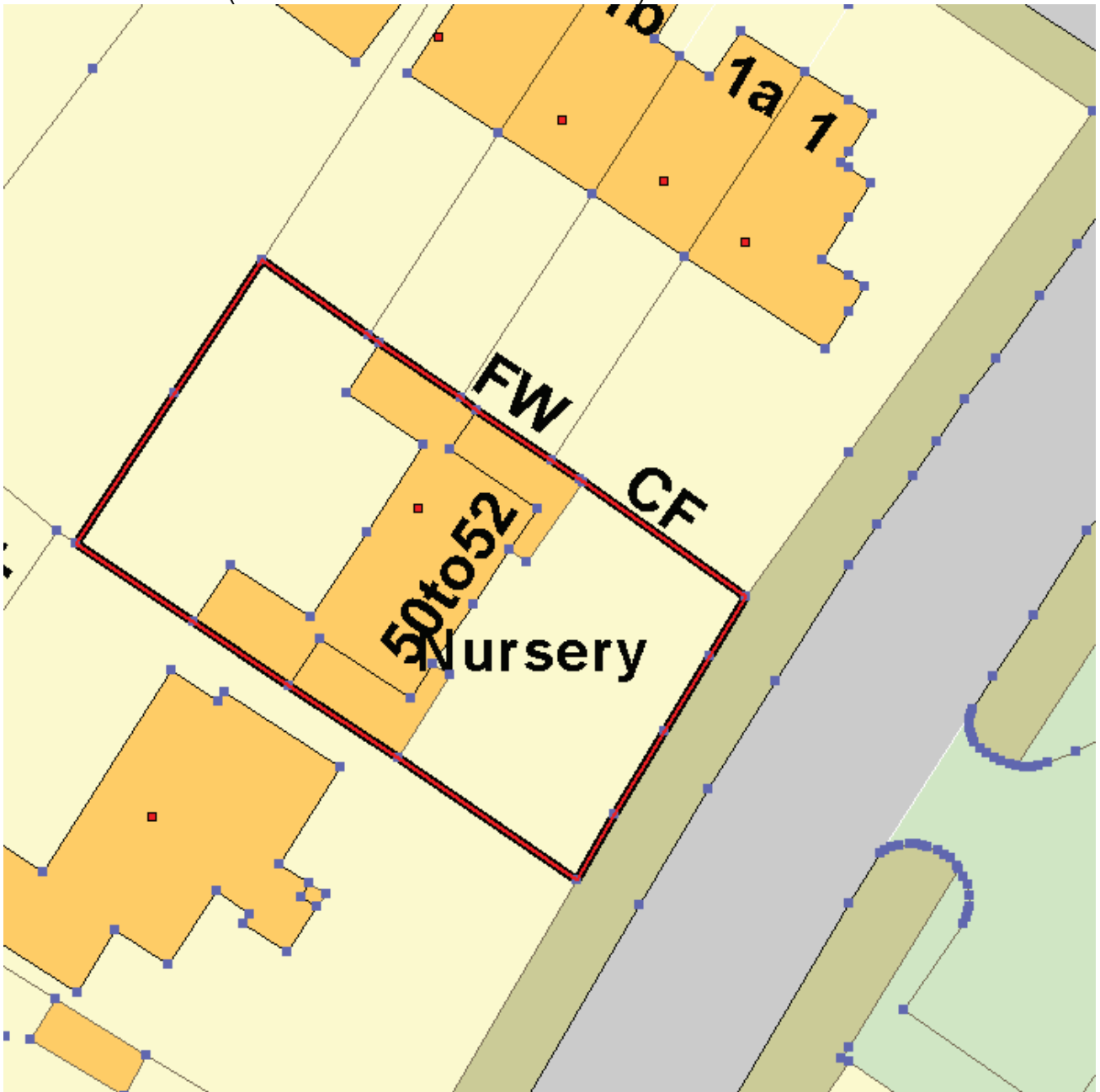
D00003 If Members are minded to refuse pp

The proposed increase in the number of children attending the playgroup would be detrimental to the amenities of adjacent and nearby residents by reason of the additional noise and disturbance generated, contrary to Policy BE1 of the Unitary Development Plan.

Reference: 10/01276/VAR

Address: 50 - 52 Shortlands Road Shortlands Bromley BR2 0JP

Proposal: Variation of condition 5 of permission ref 04/00477, granted for single storey rear extension to No. 52 and change of use of No's 50 and 52 from residential (Class C3) to children's day nursey (Class D1) with 3 car parking spaces at front, to allow up to 60 children to be accommodated at any one time (RETROSPECTIVE APPLICATION)



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Agenda Item 8

Report No.
DRR/10/00088

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: **Development Control Committee**

Date: **31 August 2010**

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

Title: **ENFORCEMENT - QUARTERLY MONITORING REPORT**

Contact Officer: Tim Bloomfield, Development Control Manager
Tel: 020 8313 4687 E-mail: tim.bloomfield@bromley.gov.uk

Chief Officer: Chief Planner

Ward: Borough-wide

1. SUMMARY

- 1.1 A report on the Enforcement of Planning Control was submitted to DCC on 25 May 2010. An earlier report to DCC in 2008 assessed the effectiveness of the planning enforcement service in Bromley and formulated a draft enforcement policy to provide a basis for decision-making including priorities for enforcement and made a number of recommendations for improving enforcement service delivery. At the meeting on 25 May a joint presentation was given by the Planning and Legal Departments to explain the procedures for investigating and rectifying breaches of planning control.
- 1.2 At the meeting on 25 May 2010 it was resolved that monthly enforcement updates would be provided to individual Members in relation to complaints they had raised or had been involved with and to other Members in the wards where the complaint was located.
- 1.3 It was also resolved to increase the frequency of enforcement monitoring reports to DCC from twice yearly to every quarter. This report represents the first quarterly report in order to improve the means of informing Members on the progress of enforcement cases generally although it is not the intention to provide detailed updates on individual cases.

2. RECOMMENDATION

- 2.1 Members note the report.

Corporate Policy

1. Policy Status: <please select>.
 2. BBB Priority: <please select>.
-

Financial

1. Cost of proposal: <please select>
 2. Ongoing costs: <please select>.
 3. Budget head/performance centre:
 4. Total current budget for this head: £
 5. Source of funding:
-

Staff

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

Legal

1. Legal Requirement: <please select>
 2. Call-in: <please select>
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? <please select>
2. Summary of Ward Councillors comments:

3. COMMENTARY

3.1 In 2009 the Council received 944 new complaints concerning alleged breaches of planning control, representing an average of approximately 80 new cases per month. In the second quarter of 2010, 270 new complaints were received compared with 210 in the first quarter of the year. This maintains the rate of new cases which were received in 2009 and represents an estimated total of 960 new complaints in 2010 in addition to cases currently under investigation.

3.2 In the period 1 January 2010 to 30 June 2010, 46 enforcement notices were issued made up as follows:

Type of Notice	Number of Notices
Operational Development	19
Material Change of Use	5
Untidy Site	7
Breach of Condition Notice	12
Planning Contravention Notice	2
TOTAL	46

In the first six months to 30 June 2010, enforcement action was authorised in 98 cases and the Council's solicitors have been instructed to prepare and issue the notices.

3.3 All complaints are investigated in accordance with the Council's enforcement policy but, given the limited resources available, work has to be prioritised according to the degree of urgency. Priority is given to investigating complaints concerning unauthorised building operations in progress, works to listed buildings and development likely to cause harm to the green belt and conservation areas.

3.4 A wide range of complaints are received but the most common relate to building operations (approximately 31%), untidy sites (13%), commercial activity in particular at residential properties (9%) and works not in accordance with approved plans (7%). However, many complaints are received which relate to non-planning matters including boundary disputes, anti-social behaviour, noise nuisance or other civil matters which lie beyond the scope of planning control.

3.5 With regard to prosecutions in the period to 30 June 2010, Advertisement Proceedings have been authorised in 12 cases where summons are being issued. Prosecutions have also been authorised in 8 cases for breach of effective enforcement notices.

3.6 There have been 2 applications to the Courts for injunctions so far this year and it has also been necessary to apply for warrants in 2 cases in order to gain access to premises.

3.7 There have been a number of significant enforcement cases over the period which are worthy of note:

Sheetings Farm, Biggin Hill – committal proceedings against breach of undertaking following injunction proceedings requiring compliance with effective enforcement notices to remove waste material from land.

14 Broomwood Road, St Pauls Cray - direct action undertaken to clear an untidy site to ensure compliance with an effective S215 Notice.

39 Selby Road, SE20 – Breach of effective enforcement notices. Prosecution commenced but awaiting trial. Direct action authorised.

Archie's Stables, Cudham Lane North – unauthorised occupation of land as traveller site. Injunction proceedings and enforcement action authorised, pending determination of current application.

Hampton House, 1A Holbrook Hall – successful prosecution concerning failure to comply with BCN. Appeal against sentence dismissed. Authority to take direct action.

Highfield Farm, Layhams Road – appeal dismissed and enforcement notice upheld. Compliance period expired April 2010. Proposed prosecution and injunction proceedings.

32 Hillcrest Road, Biggin Hill – breach of effective notice requiring removal of decking. Appeal recently dismissed and prosecution pending. Direct action authorised.

- 3.8 There are few signs that the level of enforcement activity in Bromley has been significantly affected by the economic recession in terms of the number of complaints received. The level of complaints has remained relatively constant in recent years at around 1000 per year and shows no sign of reducing in the same way as planning applications and appeals.
- 3.9 Within the last 6-9 months the Planning Investigation section has been affected by the retirement of 2 experienced enforcement officers, of whom only one has so far been replaced. In addition, the section's technical clerk retired in July and has so far not been replaced. A third Investigation Officer has been appointed but has not yet taken up his duties. This has inevitably had an impact on the investigation of complaints. In the interim a planning officer has been temporarily seconded from the Appeals section to assist with the enforcement workload.

Agenda Item 9

Report No.
DRR10/000

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: **Development Control Committee**

Date: **31st August 2010**

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

Title: **THE MAYOR OF LONDON'S STATEMENT ON THE LONDON PLAN TARGETS**

Contact Officer: Stephanie Turner, Planner
Tel: 020 8313 4477 E-mail: stephanie.turner@bromley.gov.uk

Chief Officer: Bob McQuillan

Ward: N/A

1. Reason for report

To advise Members of the Development Control Committee of the Mayors Statement to the Examination regarding London Plan targets.

2. **RECOMMENDATION(S)**

Members to note the report and consider whether the Council should make further representations (which are set out in Appendix 2) to the Mayor regarding the targets contained within the London Plan.

Corporate Policy

1. Policy Status: Existing policy. (amended)
 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): Borough wide
-

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 On the 6th July 2010, The Secretary of State for Communities and Local Government, the Rt. Hon Mr Eric Pickles confirmed in a written parliamentary statement that Regional Strategies will be revoked with immediate effect. He considers that this will give Councils the freedom to prepare local plans without having to follow top down targets which have in the past threatened the Green Belt.
- 3.2 Regional Spatial Strategies have been revoked through Section 79 (6) of the 2009 Local Democracy, Economic Development and Construction Act and will therefore no longer form part of the development Plan under Section 38 (6) of the Planning and Compulsory Purchase Act 2004. Therefore;
- The policy statement on regional strategies (Feb 2009) is now cancelled
 - References to regional strategies in policy statements are no longer valid
- 3.3 The guidance that accompanies the Parliamentary Statement advises that the London Plan will continue to provide the planning framework for London boroughs. The guidance states that as part of a wider process of decentralisation in London, the Government are reviewing how powers and discretion can be shifted downwards from central Government to the Mayor and Assembly, to London Boroughs and to local neighbourhoods. This will include reviewing scope for devolving power from the Greater London Authority down to the Boroughs and below.
- 3.4 There is no longer a requirement for the London Plan to set targets. However, the Government has stated that “if the Mayor chooses to propose targets on particular matters, this will be a matter for him and London Partners to consider”
- 3.5 The GLA has responded to the parliamentary statement in a statement to the Examination in Public on behalf of the Mayor (attached as Appendix 1). The Mayor supports the retention of the majority of the targets which are contained within the draft replacement London Plan. However, there are changes proposed to the targets set out in Policy 5.7 (installed energy capacity generated from renewables); Policy 5.20 (target for aggregates to be provided) and policy 3.9 (gypsy and traveller pitch provision). An early alteration is proposed to the plan with regards to housing targets.

Policy 5.7 renewable energy

Table 5.1 which contains targets for installed energy capacity generation by renewables will be removed and an updated table will be published as supplementary guidance.

Policy 5.20 Aggregates

The Mayor intends to set a more realistic and achievable target for aggregates to be provided. This target however only relates to six boroughs (Havering, Redbridge, Ealing, Hillingdon, Hounslow, Richmond)

Policy 3.9 Gypsies and travellers (including travelling show people)

The Mayor intends to replace Policy 3.9 and Table 3.4 which sets out the target for gypsy traveller pitch provision with a different policy approach that will enable boroughs and stakeholders to meet required needs in the light of local circumstances.

A set of minor alterations relating to aggregates and gypsy traveller pitch provision will be published in September and will be the subject of public consultation. Therefore consideration

of Policies 3.9 and 5.20 will be postponed to allow for the consultation of these minor alterations to take place.

Policy 3.3 Housing Supply

The Mayor supports the continued retention of the housing supply targets and states that planning for housing in London is more than a local issue. However, he also states that now that the Government has removed the prescriptive requirements about how targets should be drawn up and tested there are better and more inclusive ways of preparing the next round of targets that better reflect the particular needs and circumstances of London. Over the next 2 years, the Mayor will work with boroughs and other stakeholders to develop and implement an approach that meets these objectives, builds in a more bottom up, participative and consensual approach and will prepare an early alteration to the plan using this approach.

- 3.6 The Council has already responded to the draft alterations to the London Plan and has objected to the proposed housing targets (see DCC report October 2010). A written statement explaining the Council’s objection to the housing targets has also been submitted to the GLA for consideration at the Examination in Public.
- 3.7 Whilst the Mayor’s planned review of the housing targets can be welcomed, Members may consider that, having regard to the recent parliamentary statement, all proposed targets need to be reviewed prior to the adoption of the new London Plan or removed from the Plan altogether. At Appendix 2 are some suggestions for further representations members may wish to make to amplify the Council’s objections.

4. POLICY IMPLICATIONS

- 4.1 The draft alterations to the London Plan is the subject of an Examination in Public which is taking place between Sept- Oct 2010. Following this, a new London Plan will be published to replace the current 2008 London Plan. The new London Plan will form part of the Development Plan for all London Boroughs. It will set the framework for preparing our own Local Development Framework which will in due course replace the existing Unitary Development Plan. Bromley’s Core Strategy when prepared will be required to conform to the London Plan.

Non-Applicable Sections:	Financial, Legal, Personnel
Background Documents	<p>The London Plan (Spatial Development Strategy for Greater London) Consultation draft replacement plan; October 2009.</p> <p>Report to DCC 1st Dec 2009 “Consultation on the Draft Replacement London Plan”</p> <p>Parliamentary Statement revoking Regional Strategies 6th July 2010</p> <p>Statement to the EIP on behalf of the Mayor of London 20th July 2010</p>

DRAFT REPLACEMENT LONDON PLAN

EXAMINATION IN PUBLIC

TARGETS IN THE LONDON PLAN

STATEMENT TO THE EXAMINATION ON BEHALF OF THE MAYOR OF LONDON

The Government has indicated that, following the removal of references to regional strategies in Government statements of planning policy (many of which also applied to the London Plan), it considers that these requirements, including requirements to set targets no longer apply. It has stated that “if the Mayor chooses to propose targets on particular matters this will be a matter for him and London partners to consider”.

In preparing the Plan, the Mayor has sought to apply the principles he set out in “Planning for a Better London” (July 2008):

“Overall outcomes will matter more than processes or structures. There will therefore be less emphasis on targets and the machinery that goes with them, which can all too easily become ends in themselves, and a distraction from the bigger picture. There will, however, be rigorous monitoring of policy implementation and assertive management of obstacles that put agreed planning objectives at risk”.

The need to include targets was examined rigorously as the draft replacement Plan was prepared and brought forward. In general, the Mayor retained those that added value in delivering Londonwide planning objectives, and which clearly supported his wider strategic functions. There were a few cases, however, in which targets were brought forward solely to meet requirements set out in Government policy statements or circulars.

Following the Government’s announcement at this examination, there has been a further review of the targets in the Plan. For the most part, the Mayor will support continued inclusion of the targets, benchmarks or standards he has put forward in the DRLP. There are a few areas in which he was required to take a particular direction by Government guidance which now no longer applies to him, and where he is now proposing to take a different course. Taking each chapter in turn, in the order they are being considered at the EiP:

Chapter Two

- **Policy 2.13 and Annex 1: Opportunity/Intensification areas:** The Mayor considers that the indicative jobs and homes targets for Opportunity and Intensification areas are valuable indications of the order of growth envisaged in each case. He intends to retain them.

Chapter Four

- **Policy 4.2: Offices:** The Mayor supports continued inclusion of office supply benchmarks
- **Policy 4.4: Managing industrial land:** The Mayor supports continued inclusion of the benchmark figure for release of industrial land.
- **Policy 4.5: Visitor Infrastructure:** The Mayor supports continued inclusion of targets for additional hotel bedrooms and for wheelchair accessibility.
- **Policy 4.7: Retail and town centre development:** The Mayor supports continued inclusion of benchmarks for additional comparison (paragraph 4.38) and convenience (paragraph 4.40) retail.

Chapter Five

- **Policy 5.1: Climate change mitigation:** The Mayor supports continued inclusion of his overall 60 per cent emissions reduction target.
- **Policy 5.2: Minimising carbon dioxide emissions:** The Mayor supports continued inclusion of targets for carbon dioxide emission reductions for residential and non-residential buildings.
- **Policy 5.5: Decentralised energy networks:** The Mayor supports continued inclusion of the target for 25 per cent of heat and power being generated through the use of localised decentralised energy systems by 2025.
- **Policy 5.7: Renewable energy:** The targets for installed energy capacity generated from renewables (table 5.1 on page 125 of the DRLP) were brought forward in accordance with the requirements set out in PPS22. The Mayor had in any case made clear his intention to update the data in the table. Given that he is no longer required to publish the targets in their current form in the DRLP, he proposes to remove table 5.1, and to publish an updated table of targets as supplementary guidance. This will give him greater flexibility about the format of the targets and he intends to provide borough-level detail to help inform LDF preparation. It will also provide greater flexibility to keep the targets up to date. The Mayor will consider if there is a case for reincorporating the targets in the London Plan through a future alteration in the light of comments made during the EiP discussion of this policy, and in consultation responses to the draft SPG.
- **Policy 5.10: Urban greening:** The Mayor supports continued inclusion of the target for increasing the amount of surface area greened in the CAZ.
- **Policy 5.15: Water use and supplies:** The Mayor supports continued inclusion of water consumption targets for residential development.

- **Policy 5.16: Waste self-sufficiency:** The Mayor supports the target of working towards managing 100 per cent of London’s waste within London by 2031 and the various recycling/composting targets set out in Policy 5.16B.
- **Policy 5.17: Waste capacity:** The Mayor supports continued inclusion of the waste apportionments set out in table 5.3.
- **Policy 5.20: Aggregates:** This policy requires six boroughs (Havering, Redbridge, Ealing, Hillingdon, Hounslow and Richmond) to provide 1 million tonnes in total of aggregates until 2020. This requirement derives from Annex A of Minerals Policy Statement 1, which required regional planning bodies to apportion the regional guideline figure to boroughs, and then to monitor and review.

The Mayor considers that continued inclusion of a target for aggregates continues to fulfil a useful strategic purpose, but the removal of national requirements allows him to set this at a more realistic and achievable level. He intends to bring forward suggested a revised target of 500,000 tonnes per annum.

Chapter Six

- **Policy 6.9: Cycling:** The Mayor supports retention of his target for cycling to account for at least 5 per cent of modal share by 2026.
- **Policy 6.13: Parking:** The Mayor supports continued inclusion of the parking standards set out in the addendum to Chapter Six.

Chapter Seven

- **Policy 7.18: Local natural space and local deficiency:** The Mayor supports retention of benchmarks for public open space provision.
- **Policy 7.19: Biodiversity and access to nature:** The Mayor supports retention of the Biodiversity Action Plan targets set out in table 7.3.

Chapter Three

- **Policy 3.3: Housing supply:** The Mayor has considered the need to retain Londonwide housing provision monitoring targets particularly carefully. He has come to the conclusion that because of the Mayor’s particular strategic responsibilities and priorities for managing and coordinating housing growth sustainably in London, and the importance of housing supply to London as a whole and to the delivery of the whole range of economic, social and environmental priorities, he supports their continued retention. London is generally accepted to be a single housing market area, with borough boundaries having little relevance to housing market issues. Planning for housing in London is therefore more than a local issue, and the Mayor considers that this supports a strategic, citywide approach – particularly given his statutory strategic housing responsibilities.

He is strengthened in this view by the fact that the current targets have been prepared in close partnership with the boroughs and other stakeholders through the preparation of both the Strategic Housing Market Assessment and the Strategic Housing Land Availability Assessment.

Having said all this, the Mayor is convinced that now the Government has removed the highly prescriptive requirements about how targets should be drawn up and tested, there are better and more inclusive ways of preparing the next round of targets that better reflect the particular needs and circumstances of London. Over the next two years or so, he will work with boroughs and other stakeholders to develop and implement an approach that meets these objectives, builds in a more bottom-up, participative and consensual approach and reflects the “resource for localism” principle he set out in his opening speech to the EiP. This approach will be used over this period to prepare an early alteration to the Plan.

- **Policy 3.5: Quality and design of housing:** The Mayor strongly supports the inclusion of the space standards for new development in table 3.3.
- **Policy 3.9: Gypsies and travellers (including travelling showpeople):** The Mayor has been clear that setting detailed targets is not the most effective or fair way to deliver real improvements in the provision of pitches for gypsies, travellers or travelling show people. He has also expressed detailed concerns about the extremely prescriptive process that was mandated for the drawing up of these targets.

Accordingly, he intends to replace the current policy 3.9 and table 3.4 with a different policy approach that will enable boroughs and stakeholders to meet required needs in the light of local circumstances.

The Mayor agrees that the changes he intends to propose to policies 3.9 and 5.20 go beyond what is appropriate to deal with as “suggested early changes”, and that they should be subject to public consultation. He therefore proposes to bring forward a further set of what have been termed “minor alterations” (as he has before to deal with policies on waste and gypsy and traveller provision). He intends to publish these in mid-September.

This means that consideration of the relevant policies at this examination will have to be postponed to allow for this consultation to take place, for the results to be considered and assimilated, and for preparations to be made for examination. The Mayor’s representatives are in discussion with the Panel secretariat about the dates for these further sessions. They are likely to take place in early December; a further announcement will be made shortly.

This is a particularly difficult time to be examining a Plan of this kind, and the Mayor is grateful for the understanding of the Panel and other EiP participants.

The Mayor's response to the Secretary of States announcement has given Bromley a chance to amplify the objections already lodged on the housing targets. Members are asked to consider the following amendments to the most relevant paragraphs in the Draft Replacement London Plan.

Suggested changes to replacement London Plan wording

Policy 3.3 Increasing housing supply

3.18 Table 3.1 provides authoritative *indicative* borough housing targets, which at LDF examinations in public may be supplemented by publicly accessible land availability information and such other information as boroughs may wish to provide. *These are however, indicative figures based on an assessment of the potential levels of housing development that could be potentially secured but these are subject to local considerations in the context of development proposals and changes in local policies. The indicative targets should not be used as binding to weigh in the favour of schemes that boroughs consider inappropriate or unacceptable based on their own local policies. In addition reliance should not be placed on the particular source of housing supply. There should be no weight attached to whether indicative targets are being met through new build, change of use or house conversions.* Further details on derivation of the targets are set out in the SHLAA/HCS report. ~~The Mayor will produce supplementary guidance on implementation of these targets.~~

3.21 The SHLAA/HCS methodology provides for phasing of development of individual sites in the future *however, this needs to be the subject of local considerations and regarded flexibly in that context.* ~~However, an a~~ *Annual monitoring targets* based on the average *indicative potential* capacity estimated to come forward over ten years may not fully reflect unique uncertainties in housing output arising from the impact of the current economic recession, *local considerations including changes in local policies.* ~~Borough may wish to highlight the implications of these uncertainties for achievement of their targets in their Annual Monitoring Reports (AMR), drawing on the strategic context provided by the SHLAA/HCS report of study, the London Plan AMR and forthcoming Housing SPG.~~

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Report No.
DRR10/00090

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: **Development Control Committee**

Date: **31st August 2010**

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

Title: **BROMLEY TOWN CENTRE CONSERVATION AREA STATEMENT**

Contact Officer: Robert Buckley, Conservation Planner
Tel: 020 84617532 E-mail: robert.buckley@bromley.gov.uk

Chief Officer: Bob McQuillan- Chief Planner

Ward: Bromley Town

1. Reason for report

A "Conservation Area Statement" has been written for Bromley Town Centre. The next step in the process involves a period of public consultation. This document has no significant change in direction to the current Supplementary Planning Guidance but has been updated with regard to recent English Heritage Guidelines and also to provide some additional guidance with regard to the Bromley Town Centre AAP.

2. **RECOMMENDATION(S)**

Members are requested to authorise the commencement of a public consultation period for this plan.

Corporate Policy

1. Policy Status: Existing policy. Unitary Development Plan 2006
 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: £
 5. Source of funding:
-

Staff

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

Legal

1. Legal Requirement: Non-statutory - Government guidance.
 2. Call-in: Call-in is applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All Bromley residents who live in or use the Town Centre
-

Ward Councillor Views

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

3. COMMENTARY

- 3.1 A Conservation Area Statement has been prepared to replace the existing Supplementary Planning Guidance for Bromley Town Centre. The document, once adopted, will form part of the Local Development Framework and has been prepared in accordance with English Heritage guidance.
- 3.2 Residents will be notified of this proposed Conservation Area Statement and copies will be made available to them via the normal channels. A 6 week consultation period will take place to allow for representations. A public exhibition will also be held in the Town Centre (possibly the Glades or the library). After the public consultation a final draft will be prepared for Member's approval.
- 3.3 The Conservation Area Statement will be used by officers to determine planning applications in the Conservation Area, along with other planning documents and material land use planning considerations. It will also be used by the Council for planning appeal purposes.
- 3.4 The document will, as the AAP Inspector anticipated, complement the guidance given for individual opportunity sites within the Bromley Town Centre AAP.
- 3.5 The Council has 45 Conservation Areas and Conservation Area Statements for all of these areas will eventually replace the current Supplementary Planning Guidance.
- 3.6 A copy of the draft Conservation Area Statement will be available in the Member's room prior to the DC Committee meeting on August 31st.

4. POLICY IMPLICATIONS

- 4.1 The Statement, along with others, will be brought into the Local Development Framework process and can be used to support the Council's decisions at appeals.

Non-Applicable Sections:	Financial implications, legal implications, personnel implications.
Background Documents: (Access via Contact Officer)	

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Report No.
DRR10/00090

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: **Development Control Committee**

Date: **31st August 2010**

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

Title: **ADOPTION OF THE BROMLEY TOWN CENTRE AREA
ACTION PLAN**

Contact Officer: Kevin Munnely, Head of Town Centre Planning Projects,
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Ward: Bromley Town

1. REASON FOR THE REPORT

1.1 The final stage in the Local Development Framework process for the preparation of the Bromley Town Centre Area Action Plan (AAP) has now been completed. Having undergone a formal hearing during March/April 2010, the Council has now received the Inspector's final binding report. The Inspector has concluded that that with a limited number of changes the Area Action Plan satisfies the legal requirements and is sound.

1.2 This report presents a summary of the key recommendations of the Inspector's report and outlines the timetable for the formal adoption of the AAP as a Development Plan Document as part of the Local Development Framework.

2. RECOMMENDATION(S)

2.1 Members of Development Control Committee are asked to note

- the main recommendations of the Inspector's report and
- the timetable for adoption as set out in paragraph 4.3

Corporate Policy

1. Policy Status: New policy. The AAP will be the Council's first Development Plan Document (DPD) in the Local Development Framework (LDF). As a DPD that has undergone a formal public examination, and has been found sound, once adopted as DPD it will be a material consideration in the determination of planning applications within the AAP area.
 2. BBB Priority: Vibrant Thriving Town Centres.
-

Financial

1. Cost of proposal: N/A The sites identified in the AAP present opportunities for private sector investment of the type that resulted in the development of The Glades. While the Council may incur expenditure in assisting in site assembly it would only do so if it is assured that those costs will ultimately be met by the developer. There is also an opportunity for the Council to obtain capital receipts from the sale of its own land. The Council owns 6 of the 12 opportunity sites.
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: R & R
 4. Total current budget for this head: £n/a
 5. Source of funding: Consultancy costs have been met from the Planning Development Grant, Town Centre Improvement Fund, LABGI and the LPSA 1 reward funds.
-

Staff

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

Legal

1. Legal Requirement: Statutory requirement. The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 amend the 2004 regulations and prescribe the procedure for submission and adoption of the Area Action Plan.
 2. Call-in: Call-in is not applicable.
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: NA

3. COMMENTARY

- 3.1 The Inspector has found the Area Action Plan sound and concluded that the Council's plans for strengthening Bromley Town Centre, through the promotion of a range of mixed use developments, are justified. Furthermore, he has been satisfied that the land use allocations on the Opportunity Sites provide appropriate opportunities for a range of new developments including shops, offices, dwellings and hotels. A copy of the Inspector's report is attached. The Inspector does recommend a number of changes and these are in addition to those changes agreed prior to and at the Examination Hearings. These are attached as Appendices A-C. In general these changes were agreed or suggested by the Council as a result of representations made or through discussions that were held during the examination sessions. The Inspector concludes that none of the changes alter the fundamental approach that the Council is proposing but help to build a stronger consensus about how the centre of Bromley should be improved. The Inspector concludes that *"..the Council's proposals are essentially sound and provide a good basis for the future planning of the Bromley Town Centre"*.

Inspector's Main Recommended Changes

- 3.2 **Opportunity Site A Bromley North Station.** The Inspector found it unrealistic to change the wording of the present policy, concluding that "Around 250" provided sufficient flexibility. He concluded that to change the policy to "At least 250 dwellings" would impose an unreasonable planning burden on the Council to accept a scheme without knowing whether in planning and design terms a particular number of units could be accommodated.
- 3.3 **Opportunity Site B Tweedy Road.** To guide the future development of this site the Inspector recommended modifications to the design criteria laid down in the Area Action Plan, to reflect the conservation area analysis provided by the recent appeal decision on this site.
- 3.4 **Opportunity Site G High Street.** The Inspector accepted that because of its size and location Opportunity Site G had the potential for redevelopment. However, he recommended that additional guidance was required to illustrate how comprehensive development could occur and how development of parts of the site would be related to the whole. The Inspector concluded that a Master Plan was necessary to supplement Policy OSG so that the Council could be satisfied that its comprehensive proposals are viable and achievable and that developers, land owners and residents are also fully aware of what is proposed and how it could be implemented. The masterplan will need to address the form of development which should take place and whether certain existing buildings need to be included, or excluded, from such redevelopment.
- 3.5 **Opportunity Site L DHSS Building.** The Inspector expressed concern at the extent of the safeguarding for junction improvements for public transport priority measures. Whilst, the Inspector acknowledged the need for such measures, he recommended the indication of safeguarding by means of a drawing a thick line along the roadside in the indicative diagram showing some form of improvements will be sufficient at this stage. The extent of any land take should eventually be determined dependent upon the details of a submitted scheme, in consultation with the Local Planning Authority.
- 3.6 **Conservation Area Appraisal and Management Plan.** The Inspector accepted that by the time of adoption of the AAP the Council would have prepared the Conservation Area Appraisal for consultation and it would be sufficiently advanced to form a basis for decisions affecting the Conservation Area. The Inspector recommended an additional criteria to Policy BCT17 Urban Design, which requires any development affecting the Conservation Area to be assessed on the basis of the emerging Conservation Area Appraisal.

4. POLICY IMPLICATIONS

- 4.1 The AAP sets out the policy framework for the future development of Bromley Town Centre. Proposals within the plan have taken into account national and regional planning policy and, as a spatial plan, other non-planning policies. The soundness and legal compliance of these proposals have now been tested by a Planning Inspector at Examination and been found sound.
- 4.2 The attainment of Vibrant and Thriving Town Centres is a key Council priority under “Building a Better Bromley” corporate policy and implementing the AAP is now crucial to strengthening the Town Centre’s position in the current economic climate and ensuring its future prosperity in the face of increasing competition.
- 4.3 The AAP once adopted as a statutory Local Development Framework Development Plan Document, will be used for the purposes of informing any future proposals for redevelopment in the area and will be a material consideration for the purposes of determining future planning applications, in conjunction with other relevant saved policies in the UDP. The proposed adoption timetable is as follows:

DC Committee 31st August October 2010
Executive 29th September 2010
Full Council 25th October 2010.

5. FINANCIAL IMPLICATIONS

- 5.1 Funding for the AAP programme has been met from the Planning Delivery Grant, Town Centre Improvement Fund, LABG1 and LPSA 1 reward funds.

6. LEGAL IMPLICATIONS

- 6.1 The Plan is a statutory document and has been prepared under the Planning and Compulsory Purchase Act 2004, and in accordance with The Town & Country Planning (Local Development) (England) Regulations 2004 as Amended by the Town & Country Planning (Local Development) (England) (Amendment) Regulations 2008.
- 6.2 Upon adoption of the plan, the Council must as soon as practicable, publish a Statutory Notice of Adoption (Planning and Compulsory Purchase Act 2004 Regulation 24(2) and 36 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008) indicating that the Council has resolved to adopt the plan. The adopted plan, along with the Inspector’s report, must also be published on the Council’s website and be made available for viewing at the Council’s main and planning receptions and all the Borough libraries. All parties who have previously requested to be informed of the AAP’s adoption must be notified.
- 6.3 Following adoption anyone may challenge the AAP under Section 113 of the Planning and Compulsory Purchase Act 2004 if they do not consider that the document is within the appropriate power or that a procedural requirement has not been complied with. Applications to the High Court must be made within a 6 week period from the date of adoption.

7. PERSONNEL IMPLICATIONS

NA

Non-Applicable Sections:	PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	Inspector's Report August 2010 Appendix 1 Changes already proposed and published Appendix 2 Changes arising from the Hearing Sessions Appendix 3 Inspector's recommended changes

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