



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

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DATE: 5 October 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 **THURSDAY 14 OCTOBER 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 31 AUGUST  
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 Friday 8 October 2010 and to respond.

- 5 **TRAFFIC AND PARKING INFORMATION**  
Presentation by Paul Symonds/Duncan Gray
- 6 **PLANNING BUDGET MONITORING REPORT 2010/11** (Pages 11 - 22)
- 7 **SECTION 106 AGREEMENTS: UPDATE** (Pages 23 - 44)
- 8 **CRYSTAL PALACE PARK MASTERPLAN - UPDATE REGARDING THE SECRETARY OF STATE'S CONSIDERATION** (Pages 45 - 48)
- 9 **CONSULTATION BY DEPARTMENT OF COMMUNITIES AND LOCAL GOVERNMENT REGARDING CHANGES TO ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS** (Pages 49 - 54)
- 10 **ALL LONDON GREEN GRID** (Pages 55 - 60)
- 11 **DEFERRAL OF WORLD HERITAGE BID** (Pages 61 - 64)
- 12 **2009 DRAFT REPLACEMENT LONDON PLAN HOUSING SPG EIP DRAFT**  
(Pages 65 - 70)
- 13 **THE IMPACT OF THE CONSTRAINTS IMPOSED BY GREEN BELT AND METROPOLITAN OPEN LAND DESIGNATIONS** (Pages 71 - 74)
- 14 **MINOR ALTERATIONS TO THE CONSULTATION DRAFT REPLACEMENT LONDON PLAN: GYPSIES AND TRAVELLERS (INCLUDING TRAVELLING SHOW PEOPLE) AND AGGREGATES** (Pages 75 - 80)
- 15 **THE SETTING OF HERITAGE ASSETS: ENGLISH HERITAGE GUIDANCE**  
(Pages 81 - 88)

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# Agenda Item 3

## DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 31 August 2010

### Present:

Councillor Alexa Michael (Chairman)  
Councillor Charles Joel (Vice-Chairman)  
Councillors Reg Adams, Douglas Auld, Kathy Bance,  
Katy Boughy, Lydia Buttinger, Peter Dean, Simon Fawthrop,  
Will Harmer, John Ince, Russell Jackson, Paul Lynch,  
Anne Manning, Russell Mellor and Richard Scoates

### Also Present:

Councillor Julian Grainger

#### **24 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS**

Apologies for absence were received from Councillors Eric Bosshard and Peter Fookes. Councillor Kathy Bance attended as Councillor Fookes' alternate.

#### **25 DECLARATIONS OF INTEREST**

Councillors Lydia Buttinger and Russell Jackson declared a prejudicial interest in Item 5 (Planning report relating to 50-52 Shortlands Road, Shortlands). They left the room and did not take part in the discussion or vote.

#### **26 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 22 JULY 2010**

**RESOLVED** that the Minutes of the meeting held on 22 July 2010 be confirmed and signed as a correct record.

#### **27 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

No questions were received.

#### **28 PLANNING REPORTS**

The Committee considered the Chief Planner's reports on the following planning applications:

1. CHELSFIELD AND PRATTS BOTTOM WARD	(10/01078/FULL1) Replacement single storey one form entry primary school (including nursery class) with 42 car parking spaces and extension to playing
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	field. Retention of scout building with car park. 9 detached/linked detached houses with attached garages at <b>Holy Innocents RC Primary School, Mitchell Road, Orpington.</b>
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Oral representations in support of the application were received. Oral representations from Ward Member, Councillor Julian Grainger in objection to the application were received at the meeting.

It was reported that late objections had been received.

Comments from Sport England in objection to the application were reported.

The following areas of concern were raised and discussed by Members:-

- the impact of the reduction of housing units from 22 to 9;
- car parking issues; and
- the impact upon open urban space;

Members having considered the report, objections and representations  
**RESOLVED that PERMISSION BE REFUSED** for the following reasons:-

1. 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 hard standings, and would harm the character of the area, thereby contrary to Policies BE1 and BE2 of the Unitary Development Plan.
2. 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.
3. The proposal would result in a significant part of the existing playing field being redeveloped to facilitate school buildings, thereby contrary to Policy L6 of the Unitary Development Plan.
4. The proposal would result in car parking provision being inconveniently positioned for users of the church and other community uses, thereby contrary to Policies C1 and C8 of the Unitary Development Plan.

2. SHORTLANDS WARD Conservation Area	(10/01276/VAR) 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 nursery (Class D1) with 3 car parking spaces at front, to allow up to 60 children to be accommodated at any one time (RESTROSPECTIVE APPLICATION) at <b>50-52 Shortlands Road, Shortlands, Bromley.</b>
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Oral representations in objection to and in support of the application were received at the meeting.

The specific areas of concern discussed by Members were:-

- the increase in traffic;
- the impact on parking;
- the loss of amenity space; and
- noise levels.

Members having considered the report, objections and representations **RESOLVED that PERMISSION BE REFUSED** for the following reason:-  
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.

It was **FURTHER RESOLVED that ENFORCEMENT ACTION BE AUTHORISED TO SECURE COMPLIANCE WITH CONDITION 5 OF THE PERMISSION GRANTED UNDER REFERENCE 0400477 WHICH LIMITS THE USE TO 32 CHILDREN.**

## 29 "MY UNRULY FRIENDS" - TREE PRESERVATION ORDERS

Mrs Coral Gibson, Principal Trees Officer, gave a presentation on Tree Preservation Orders (TPOs) within the Borough.

The Heritage and Urban Design Section deals with trees on private property as opposed to the Environmental Services Department which is responsible for trees on highways land.

TPOs are legally binding documents issued to protect trees at risk from being excessively pruned or felled. In instances where the felling of a protected tree is granted, the owner could be required to replace the tree. Any type of tree can be protected.

A total of 2,535 TPOs have been issued within the Borough, 56 of which were issued in 2009.

Mrs Gibson highlighted some of the problems caused by trees to footpaths and properties and also outlined some of the problems which affect trees themselves.

Penalties could be imposed for felling or damaging a tree which is protected by a TPO. The maximum fine in a Magistrates' Court is £20,000 and may be substantially more if a case is heard in a Crown Court; however, evidence of deliberate destruction would need to be proven.

Permission to fell a tree is not necessary if the tree becomes dangerous or dies due to certain circumstances, such as an 'Act of God' e.g. the tree is hit

by lightening. The Authority could, however, be liable to pay compensation to owners if it is proved that a protected tree has caused damage to their property or land.

A question and answer session followed.

The Chairman thanked Mrs Gibson for an interesting and informative presentation.

### **30 LINK BETWEEN LICENSING AND PLANNING**

Paul Lehane, Food, Licensing, Occupational Health and Safety Manager, gave a presentation highlighting the work undertaken by the Licensing Team and how part of that work links in with planning.

The majority of work is centred around the Licensing Act 2003. Mr Lehane informed Members of the various types of venue and activity which require a licence. Ideally, planning permission should be in place before a licence is granted but is not a legal requirement; however, the Secretary of State's guidance states that applications for premises licences for permanent commercial premises should be submitted by businesses where planning consent has been granted. Mr Lehane then went on to give examples of areas of licensing which link in with planning and those which do not. He stipulated that licensing committees are not bound by decisions made by a planning committee and vice versa.

There is a clear and robust tie-in with planning where the vast majority of licensing applications involve alcohol (currently 700 licences exist within the Borough).

Mr Lehane responded to various questions from Members.

The Licensing team liaise closely with Licensing Officers based at Bromley Police Station who are able to object to applications on the basis of crime and disorder.

The Chief Planner endorsed the need for the Planning and Licensing Teams to work closely together. He commented that decisions were based on appropriate legislative areas which they should continue to refine.

Councillor Mrs Manning commented that in some cases planning policies and licensing policies could have an impact on one another; where this occurs, a report should be submitted for consideration by the General Purposes and Licensing Committee and the Development Control Committee.

The Chairman thanked Mr Lehane for an interesting and informative presentation and stated she was mindful of the need for the planning and licensing teams to work closely together.

### **31 ENFORCEMENT - QUARTERLY MONITORING REPORT**

The first quarterly enforcement monitoring report for the year 2010/11 was submitted for Members to note. The report outlined the number and type of enforcement notices issued during the period 1 January 2010 to 30 June 2010.

The Chief Planner brought Members up-to-date on the current position of the significant enforcement cases highlighted on pages 31 and 32 of the report.

It was reported that the number of enforcement complaints received varied little from one year to the next.

With regard to staffing, the Chief Planner reported that the vacancy for a third Investigation Officer would be filled shortly and that a vacancy incorporating a shared duty of Technical Clerk/Appeals Technical Clerk would be explored later in the year.

One Member requested an update on the current situation with regard to Kings Hall Road. The Chief Planner commented that this was not a matter for the Local Authority as the land was privately owned; the onus was on the owner of the land to obtain a Court Order. The Chief Planner agreed to keep Members informed.

It was reported that in some instances where direct action is taken, a charge is placed on the land. An interim charge could also be applied beforehand and where this occurred, a potential purchaser would be able to see there was a charge pending against the property.

**RESOLVED that the report be noted.**

### **32 THE MAYOR OF LONDON'S STATEMENT ON THE LONDON PLAN TARGETS**

The report advised Members of the Mayor's Statement to the Examination regarding London Plan targets.

The Council had responded to the draft alterations to the London Plan and had objected to the proposed housing targets. Members were requested to consider the suggested amendments to Policy 3.3 (Increasing Housing Supply) set out in Appendix 2 of the report.

It was reported that most other London boroughs continued to object to the proposed housing targets and the GLA had issued a response indicating that there had been a lack of consultation and that the target should be reduced to a figure of 500; a higher target is likely to jeopardise Green Belt land.

Councillor Mrs Anne Manning suggested the following further amendment to page 39, Appendix 1 (*Chapter Three - Policy 3.3: Housing supply*):--

- **Policy 3.3: Housing supply:** The Mayor has considered the need to retain London wide 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. While London is generally accepted to be a single housing market area, Borough boundaries adjacent to county authorities have some relevance to housing market issues for Outer London Boroughs. 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.

The Chairman's suggested amendments to the London Plan wording at Appendix 2 were reported. Members agreed to the amendments.

Councillor Simon Fawthrop proposed that the maximum parking standards set out in the addendum (Chapter 6 - Policy 6.13: Parking), be abolished and replaced with minimum standards. The proposal was seconded and agreed by the Committee.

**RESOLVED that the report be noted and that the representations (set out in Appendix 2) to the Mayor regarding the targets contained within the London Plan be amended to read:-**

**"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. There is the issue of the local environment in each Borough such as Green Belt and other protected land sites which will be undermined by prescriptive housing supply targets. 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 and 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.~~

### **33 BROMLEY TOWN CENTRE CONSERVATION AREA STATEMENT**

Members considered the draft Conservation Area Statement for Bromley Town Centre. Although there was no significant change in direction to the current Supplementary Planning Guidance it was updated with regard to recent English Heritage Guidelines and provided additional guidance with regard to the Bromley Town Centre AAP.

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

Councillor Mrs Anne Manning considered that as certain parts of the Civic Centre site has a history going back nearly 1,000 years and in particular the Old Palace and grounds directly linked to the building, this should be included in the Statement. The Chief Planner reported that the Inspector had considered the site but did not propose to include it. Members were requested to inform Peter Martin of any grammatical errors found which would be included within the Management Plan.

**RESOLVED that the commencement of a public consultation period for the plan be authorised.**

### **34 ADOPTION OF THE BROMLEY TOWN CENTRE AREA ACTION PLAN**

Members considered the recommendations and timetable for adoption of the Bromley Town Centre Area Action Plan (AAP) as set out in the Inspector's report.

The AAP has been completed and a formal hearing took place during March/April 2010. A final binding report had been received from the Inspector who concluded that with a limited number of changes the AAP satisfied legal requirements and is sound.

A grammatical error on page 76 of the report was noted as follows:-

In the second column of the table which refers to Section 4.6.1 the word "will" at the end of the first line should be omitted.

Members were informed that if they did not agree to the Inspector's report then the Authority would be acting outside of the law.

Councillor Manning expressed her gratitude (and Members agreed), for the work carried out by the Bromley Civic Society which resulted in two areas of the Civic Centre site being specifically protected and placed on the Statutory List.

**RESOLVED that:-**

- 1) the main recommendations of the Inspector's report and the timetable for adoption as set out in paragraph 4.3 of the report be noted; and**
- 2) the valuable work carried out by the Bromley Civic Society be noted.**

Councillor Fawthrop's contrary vote to resolution 1) was noted.

The Meeting ended at 10.20 pm

Chairman

# Agenda Item 6

Report No.  
DRR10/00103

London Borough of Bromley

PART 1 - PUBLIC

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**Decision Maker:** Development Control Committee

**Date:** 14 October 2010

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

**Title:** **PLANNING BUDGET MONITORING REPORT 2010/11**

**Contact Officer:** Claire Martin, Head of Finance  
Tel: 020 8313 4286 E-mail: [claire.martin@bromley.gov.uk](mailto:claire.martin@bromley.gov.uk)

**Chief Officer:** Marc Hume, Director of Renewal and Recreation

**Ward:** Boroughwide

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1. Reason for report

This report provides an update of the latest budget monitoring position for 2010/11 for the Planning Division based on expenditure and activity levels up to 31 August 2010.

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2. **RECOMMENDATION(S)**

2.1 The Committee is requested to consider the latest projections that indicate that the Planning Division will be underspent by £30k.

### Corporate Policy

1. Policy Status: Existing policy. Sound financial management
  2. BBB Priority: Excellent Council.
- 

### Financial

1. Cost of proposal: N/A
  2. Ongoing costs: Recurring cost.
  3. Budget head/performance centre: Planning Division Budget
  4. Total current budget for this head: £3.8m
  5. Source of funding: Existing revenue budgets
- 

### Staff

1. Number of staff (current and additional): 103.89 ftes
  2. If from existing staff resources, number of staff hours: N/A
- 

### Legal

1. Legal Requirement: Statutory requirement. The statutory duties relating to financial reporting are covered within the Local Government Act 1972; the Local Government Finance Act 1998; the Accounts and Audit Regulations 1996; the Local Government Act 2000 and the Local Government Act 20
  2. Call-in: Call-in is applicable
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The services covered in this report affect all Council Taxpayers, Business Ratepayers, those who owe general income to the Council, all staff, Members and Pensioners.
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### 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 The 2010/11 projected outturn is detailed in Appendix 1, with a forecast of projected spend for each section compared to latest approved budget and identifies in full the reason for any variances.

### 4. POLICY IMPLICATIONS

4.1 The Resources Portfolio Plan for 2009/10 includes the aim of effective monitoring and control of expenditure within budget and includes the target that each service department will spend within its own budget.

4.2 Bromley's Best Value Performance Plan "Making a Difference" refers to the Council's intention to remain amongst the lowest Council Tax levels in outer London and the importance of greater focus on priorities.

4.3 The four year financial forecast report highlights the financial pressures facing the Council. It remains imperative that strict budgetary control continues to be exercised in 2009/10 to minimise the risk of compounding financial pressures in future years.

4.4 Chief Officers and Departmental Heads of Finance are continuing to place emphasis on the need for strict compliance with the Council's budgetary control and monitoring arrangements.

### 5. FINANCIAL IMPLICATIONS

5.1 Appendix 1 contains figures relating to the latest budget monitoring position for the Planning Division and explanations of variations.

5.2 Shortfalls of income in both Building Control and Planning are being offset by savings from management action. A summary of the variations is shown in the table below: -

<b><u>Summary</u></b>	<b>Current Variation £'000</b>
Effect of holding 8.3fte's vacant within Planning & Building Control	(335)
Underspend within transport, supplies and services resulting from management action within Planning, Building Control & Renewal	(195)
Write back of provision no longer required	(30)
Shortfall of building control income	200
Shortfall of income from planning fees	330
<b>Total variation</b>	<b>(30)</b>

<b>Non-Applicable Sections:</b>	Legal and Personnel
Background Documents: (Access via Contact Officer)	2010/11 budget monitoring files within ES finance section

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## PLANNING BUDGET MONITORING 2010/11

## 1. Financial Monitoring Statement

2009/10 Actuals £	PCM	2010/11 Original Budget £	2010/11 Revised Budget £	2010/11 Projected Outturn £	Variation £	Variation Last Reported £	Full Year Effect £
	<b>Planning - Bob McQuillan</b>						
(6,356)	Building Control	(167,340)	(29,020)	(59,020)	(30,000)	0	0
1,156,534	Planning	1,272,510	1,316,560	1,334,560	18,000	0	0
(286,184)	Land Charges	(299,330)	(299,330)	(299,330)	0	0	0
1,251,726	Renewal	728,440	1,075,400	1,057,400	(18,000)	0	0
<b>2,115,720</b>	<b>Total Controllable</b>	<b>1,534,280</b>	<b>2,063,610</b>	<b>2,033,610</b>	<b>(30,000)</b>	<b>0</b>	<b>0</b>
(8,184)	Total non-controllable	0	0	0	0	0	0
1,599,710	Total excluded recharges	1,673,490	1,770,000	1,770,000	0	0	0
<b>3,707,246</b>	<b>Grand Total</b>	<b>3,207,770</b>	<b>3,833,610</b>	<b>3,803,610</b>	<b>(30,000)</b>	<b>0</b>	<b>0</b>

## BUILDING CONTROL - 2010/11 FINANCIAL MONITORING

## 1. Financial Monitoring Statement

2009/10 Actuals £	BUILDING CONTROL	2010/11 Original Budget £	2010/11 Revised Budget £	2010/11 Projected Outturn £	Variation £	Variation Last Reported £	Full Year Effect £
741,558	Employees	969,430	969,430	788,430	(181,000)	0	0
0	Premises	0	0	0	0	0	0
20,874	Transport	28,910	28,910	21,910	(7,000)	0	0
63,360	Supplies and Services	91,040	91,040	79,040	(12,000)	0	0
0	Third Party Payments	0	0	0	0	0	0
0	Transfer payments	0	0	0	0	0	0
0	Special Schemes	0	0	0	0	0	0
0	Capital financed by revenue	0	0	0	0	0	0
(832,148)	Income	(1,256,720)	(1,118,400)	(948,400)	170,000	0	0
0	Grant related recharges	0	0	0	0	0	0
(6,356)	<b>Sub total controllable budget</b>	<b>(167,340)</b>	<b>(29,020)</b>	<b>(59,020)</b>	<b>(30,000)</b>	<b>0</b>	<b>0</b>
(1,656)	FRS17		0	0	0	0	0
0	Landlord maintenance		0	0	0	0	0
0	Insurance		0	0	0	0	0
0	Capital Charges		0	0	0	0	0
0	Property Rental Income		0	0	0	0	0
(1,656)	<b>Sub total non controllable budget</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
186,917	Excluded Recharges	172,220	172,220	172,220	0	0	0
186,917	<b>Sub total excluded recharges</b>	<b>172,220</b>	<b>172,220</b>	<b>172,220</b>	<b>0</b>	<b>0</b>	<b>0</b>
178,905	<b>Grand Total</b>	<b>4,880</b>	<b>143,200</b>	<b>113,200</b>	<b>(30,000)</b>	<b>0</b>	<b>0</b>



## PLANNING - 2010/11 FINANCIAL MONITORING

## 1. Financial Monitoring Statement

2009/10 Actuals £	PLANNING	2010/11 Original Budget £	2010/11 Revised Budget £	2010/11 Projected Outturn £	Variation £	Variation Last Reported £	Full Year Effect £
1,858,322	Employees	2,123,700	2,040,750	1,886,750	(154,000)	0	0
8,984	Premises	9,200	9,200	9,200	0	0	0
14,264	Transport	20,660	20,660	14,660	(6,000)	0	0
469,891	Supplies and Services	361,630	488,630	336,630	(152,000)	0	0
0	Third Party Payments	0	0	0	0	0	0
0	Transfer payments	0	0	0	0	0	0
165,603	Special Schemes	0	0	0	0	0	0
0	Capital financed by revenue	0	0	0	0	0	0
(1,360,530)	Income	(1,242,680)	(1,242,680)	(912,680)	330,000	0	0
0	Grant related recharges	0	0	0	0	0	0
<b>1,156,534</b>	<b>Sub total controllable budget</b>	<b>1,272,510</b>	<b>1,316,560</b>	<b>1,334,560</b>	<b>18,000</b>	<b>0</b>	<b>0</b>
(3,530)	FRS17		0	0	0	0	0
0	Landlord maintenance		0	0	0	0	0
0	Insurance		0	0	0	0	0
0	Capital Charges		0	0	0	0	0
0	Property Rental Income		0	0	0	0	0
(3,530)	<b>Sub total non controllable budget</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
1,391,497	Excluded Recharges	1,351,560	1,351,560	1,351,560	0	0	0
<b>1,391,497</b>	<b>Sub total excluded recharges</b>	<b>1,351,560</b>	<b>1,351,560</b>	<b>1,351,560</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2,544,501</b>	<b>Grand Total</b>	<b>2,624,070</b>	<b>2,668,120</b>	<b>2,686,120</b>	<b>18,000</b>	<b>0</b>	<b>0</b>

## LAND CHARGES - 2010/11 FINANCIAL MONITORING

## 1. Financial Monitoring Statement

2009/10 Actuals £	LAND CHARGES	2010/11 Original Budget £	2010/11 Revised Budget £	2010/11 Projected Outturn £	Variation £	Variation Last Reported £	Full Year Effect £
140,674	Employees	159,460	159,460	159,460	0	0	0
0	Premises	0	0	0	0	0	0
28	Transport	10	10	10	0	0	0
43,313	Supplies and Services	18,980	18,980	18,980	0	0	0
0	Third Party Payments	0	0	0	0	0	0
0	Transfer payments	0	0	0	0	0	0
0	Special Schemes	0	0	0	0	0	0
0	Capital financed by revenue	0	0	0	0	0	0
(470,199)	Income	(477,780)	(477,780)	(477,780)	0	0	0
0	Grant related recharges	0	0	0	0	0	0
(286,184)	<b>Sub total controllable budget</b>	<b>(299,330)</b>	<b>(299,330)</b>	<b>(299,330)</b>	<b>0</b>	<b>0</b>	<b>0</b>
(254)	FRS17		0	0	0	0	0
	Landlord maintenance		0	0	0	0	0
	Insurance		0	0	0	0	0
	Capital Charges		0	0	0	0	0
	Property Rental Income		0	0	0	0	0
(254)	<b>Sub total non controllable budget</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
285,028	Excluded Recharges	299,330	299,330	299,330	0	0	0
285,028	<b>Sub total excluded recharges</b>	<b>299,330</b>	<b>299,330</b>	<b>299,330</b>	<b>0</b>	<b>0</b>	<b>0</b>
(1,410)	<b>Grand Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## RENEWAL - 2010/11 FINANCIAL MONITORING

## 1. Financial Monitoring Statement

2009/10 Actuals £	RENEWAL	2010/11 Original Budget £	2010/11 Revised Budget £	2010/11 Projected Outturn £	Variation £	Variation Last Reported £	Full Year Effect £
1,131,112	Employees	690,250	948,030	951,030	3,000	0	0
0	Premises	0	0	0	0	0	0
3,229	Transport	5,610	6,680	5,680	(1,000)	0	0
120,549	Supplies and Services	33,160	337,270	317,270	(20,000)	0	0
0	Third Party Payments	0	0	0	0	0	0
0	Transfer payments	0	0	0	0	0	0
0	Special Schemes	0	0	0	0	0	0
0	Capital financed by revenue	0	0	0	0	0	0
(3,164)	Income	(580)	(216,580)	(216,580)	0	0	0
0	Grant related recharges	0	0	0	0	0	0
<b>1,251,726</b>	<b>Sub total controllable budget</b>	<b>728,440</b>	<b>1,075,400</b>	<b>1,057,400</b>	<b>(18,000)</b>	<b>0</b>	<b>0</b>
(2,744)	FRS17		0	0	0	0	0
	Landlord maintenance		0	0	0	0	0
	Insurance		0	0	0	0	0
	Capital Charges		0	0	0	0	0
	Property Rental Income		0	0	0	0	0
(2,744)	<b>Sub total non controllable budget</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
(263,732)	Excluded Recharges	(149,620)	(53,110)	(53,110)	0	0	0
(263,732)	<b>Sub total excluded recharges</b>	<b>(149,620)</b>	<b>(53,110)</b>	<b>(53,110)</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>985,250</b>	<b>Grand Total</b>	<b>578,820</b>	<b>1,022,290</b>	<b>1,004,290</b>	<b>(18,000)</b>	<b>0</b>	<b>0</b>

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**Planning Budget Monitoring Variations @ 31 August 2010****1. Building Control Cr £30k**

A report was recently submitted to the Executive to drawdown £138k from the central contingency following changes to legislation.

A shortfall of income of £200k is being offset by savings of £200k from management action to reduce costs, including holding 4.3fte vacant.

Part of the provision set aside for the costs of the dangerous structures relating to the plane crash site are no longer required as the insurance company has now settled the revised invoice. The balance of £30k has been written back to the building control code and is being used to offset the £30k inflation costs of the contracts within Culture.

**2. Planning Dr £18k**

Income from planning is £141k below budget for the first five months of the year and £100k below the actual received for April to August 2009. At this stage, it is projected that the year-end shortfall of income will be £330k.

Based on income from major applications to date, £130k less has been received compared to the actual from April to August 2009. Within non-major applications to date, £30k extra has been received compared to the actual received for the same period in 2009.

Management action taken includes holding 4.0 fte post vacant and reducing spend on running expenses totalling Cr £312k.

**3. Renewal Cr £18k**

Within the planning section, there is a £16k projected underspend within supplies and services and a further £2k underspend across other budgets.

<b><u>Summary of Planning variations at 31st August 2010</u></b>	<b>Variation £'000</b>
Effect of holding 4.3fte vacant within Building Control	(181)
Underspend in transport, supplies & services resulting from management action within Building Control	(19)
Balance of provision no longer required written back to revenue	(30)
Shortfall of income from Building Control fees	200
Effect of holding 4.0 FTE's vacant within Planning	(154)
Underspend in transport, supplies & services resulting from management action within Planning	(158)
Shortfall of income from planning fees	330
Underspend in running expenses within Renewal	(18)
<b>Total variation</b>	<b>(30)</b>

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# Agenda Item 7

Report No.  
LDCS10182

London Borough of Bromley

PART 1 - PUBLIC

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**Decision Maker:** Development Control Committee

**Date:** 14 October 2010

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

**Title:** SECTION 106 AGREEMENTS: UPDATE

**Contact Officer:** Lisa Thornley, Democratic Services Officer  
Tel: 020 8461 7914 E-mail: lisa.thornley@bromley.gov.uk

**Chief Officer:** Mark Bowen, Director of Legal, Democratic and Customer Services

**Ward:** Boroughwide

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1. Reason for report

- 1.1 The Chairman requested an update to Members on Section 106 Agreements. The attached report from the Head of Finance (Appendix A), was submitted for information purposes to the Executive and Resources PDS Committee at its meeting held on 25 August 2010; the same report is hereby submitted for Members to note.
- 1.2 In noting the report, E&R Members referred to paragraph 5.3 involving the financial position of unspent balances across service areas - in particular, the balance at 30 June 2010 relating to Housing. The Chief Planner had agreed to report back to a future meeting. (Minute 73, Appendix B attached).
- 1.3 The requested information was submitted to the Executive and Resources PDS Committee meeting held on 22 September 2010 and is attached hereto (Appendix C).
- 

2. **RECOMMENDATION**

**Members are asked to note the report and the contents of the attached appendices.**

<b>Non-Applicable Sections:</b>	Policy, Financial, Legal and Personnel
Background Documents: (Access via Contact Officer)	

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PART 1 - PUBLIC

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**Decision Maker:** Executive and Resources PDS

**Date:** 25<sup>th</sup> August 2010

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

**Title:** SECTION 106 AGREEMENTS: UPDATE

**Contact Officer:** Bob McQuillan, Chief Planner  
Claire Martin Head of Finance  
Tel: 020 8313 4554 020 8313 4286  
E-mail: [claire.martin@bromley.gov.uk](mailto:claire.martin@bromley.gov.uk) [bob.mcquillan@bromley.gov.uk](mailto:bob.mcquillan@bromley.gov.uk)

**Chief Officer:** Marc Hume, Director of Renewal and Recreation

**Ward:** Boroughwide

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1. Reason for report

This report provides an update on Section 106 Agreements as requested by the Executive and Resources Policy Development and Scrutiny Committee on 9th June 2010.

It should be noted that any updates from the Monitoring Report of the Section 106 PDS Working Group, which was last reported to the Executive and Resources PDS Committee on June 8<sup>th</sup> 2010, will be incorporated into this report with effect from December 2010.

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2. **RECOMMENDATION(S)**

Members are asked to note the report and the contents of the attached appendices.

### Corporate Policy

1. Policy Status: Existing policy. IMP1 of the Unitary Development Plan
  2. BBB Priority: Safer Bromley. Plus Children and Young People, Vibrant and thriving Town Centres and Quality Environment
- 

### Financial

1. Cost of proposal: N/A
  2. Ongoing costs: N/A.
  3. Budget head/performance centre: S106 deposits
  4. Total current budget for this head: £3,669,171
  5. Source of funding: S106 deposits
- 

### Staff

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

### Legal

1. Legal Requirement: Statutory requirement. S106 of the Town and Country Planning Act enables the Local Authority to make agreements with applicants to secure benefits relating to the granting of planning permission. This is reflected in Policy IMP1 of the Unitary Development Plan which relates to planning obligations.
  2. Call-in: Call-in is not applicable. This report does not involve an executive decision
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Section 106 agreements are made with the applicant for the benefit of the future occupants of new developments and also for the benefit of existing residents in the vicinity of a new development
- 

### Ward Councillor Views

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

### **3. COMMENTARY**

- 3.0 At the meeting of 9<sup>th</sup> June 2010, the Executive and Resources PDS Committee requested that Members be updated on the current position of Section 106 Agreements at its next meeting on 25<sup>th</sup> August 2010.

#### Joint Database

- 3.1 The development of the joint database has been completed. An Access Database has been created which is populated by downloading information from both the Uniform system and the Oracle accounting system. The database has been designed to display the information in the same format as reported to Members in November 2009 and comprises 3 Appendices.
- 3.2 The 'live' spreadsheets are accessible to Planning, Finance and Legal Officers and are regularly updated.
- 3.3 A set of procedures have been agreed which sets out the responsibilities of all officers in the Legal, Planning and Finance sections and includes the regular checking of trigger dates to ensure that invoices are raised at the required time.

#### Background information

- 3.4 The detail of every S106 agreement is stored in at least one of the three Appendices.
- 3.5 Appendix 1 records the 'negative/restrictive obligations' and include developments that are restricted by the S106 either by use, limitations on development within the curtilage or not to implement a previous permission.
- 3.6 Appendix 2 records the 'positive non financial' contributions. These agreements form the larger proportion of planning obligations gained through Section 106. Mostly they relate to the provision of affordable housing units.
- 3.7 Appendix 3 records 'positive financial' contributions. There are 7 main service areas where monies are received through the use of S106 obligations: Local Economy, Community or Town Centre use, Highways/Traffic (including Transport for London), Education, Health, Land (which records payments for landscaping), Affordable (which records payments in lieu of affordable housing) and Other (which records payments for any other contributions which do not fall into one of the above categories). The full Appendix 3 also shows that since March 2003 a wide variety of contributions have been negotiated through S106 agreements including funds for the creation of a Heritage Centre at Biggin Hill, travel plans, traffic calming/crossings, town centre improvement funding, public footpath maintenance, CCTV schemes and woodland management schemes. Increasingly over the last year the Council has used the NHS London Healthy Urban Development Unit (HUDU model), which gauges the impact that residential developments have on the capacity of health services. This formula produces a health contribution per unit and is administered by the Primary Care Trust.
- 3.8 Appendix 3 has been compiled from and updated using information from the Oracle accounting system and the Council's Public Register and Contribution record, which is held with the Public Register along with copies of all S106 legal agreements dating back to 1998.
- 3.9 If a S106 includes obligations from more than one category the details are recorded in each of the relevant appendices.
- 3.10 The full Appendices cover the period from March 2003 to June 2010 with details of 173 sealed legal agreements. Copies of these documents are available to view in the Members Room.

3.11 The Committee may note that there can be considerable time delay between the sealing of a Section 106 grant of permission and subsequent implementation of development (up to 5 years) when the obligation becomes due. There is always a possibility that a development will not go ahead at all where a developer feels the development is no longer viable.

3.12 All S106 legal agreements are registered as a Land Charge against the property and are registered at the Land Registry with the title deeds of a property or piece of land.

#### Section 106 Agreements: Update

3.13 Appendices 1 to 3 of this report provide details of 17 new agreements since the last update in November 2009.

3.14 Appendix 1 shows a table with 9 'negative' S106 legal agreements.

3.15 Appendix 2 shows a table with 5 new 'positive non-financial' S106 legal agreements. The total net affordable housing gain since November 2009 amounts to 93 units. The full Appendix 2 table shows that since March 2003 the Council sealed legal agreements that will potentially net 1,272 new affordable housing units.

3.16 As can be seen from the tables LBB will not necessarily receive all of these units unless they are built and handed over but the agreements are in place. In terms of revenue as a non-stockholding authority the Council does not gain direct asset value through Section 106 of the 1990 Town and Country Planning Act. All housing assets acquired are held by our partners RSLs.

3.17 Appendix 3 shows 3 new agreements of specific 'positive financial gain to the Council; 1 of these agreements is also included in Appendix 1.

3.18 Members should note that the detailed description of the agreement terms in Appendix 3 gives an indication of any time limitations on spend together with whether interest is accrued to the contributions.

3.19 Appendix 4 gives the details of the current balances the Council holds for S106 agreements, split by service area category mentioned in 3.9 above and by revenue/capital classification and the time limit for spending monies. Where there are no time limits, a 5 year limitation from the date of the legal agreement has been assumed in accordance with legal advice.

3.20 A complete set of Appendices 1, 2 and 3 has been left in the Members Room.

3.21 'Significant' new agreements are as follows: -

- Dylon International Ltd, Worsley Bridge Road, SE26 – permission was granted, on appeal, for a mixed commercial and residential development which will provide 51 affordable housing units
- One-O-One Club, 101A Parish Lane, Penge – permission was granted, on appeal, for a residential scheme which will provide 20 affordable housing units.

#### **4. POLICY IMPLICATIONS**

4.1 Development Plan policies play a crucial role in securing appropriate planning obligations. Policy IMP1 of the Unitary Development Plan 2006 sets out the Council's approach to Section 106 agreements. There are implications also for the objectives of 'Building A Better Bromley' including, Safer Communities, A Quality Environment and Ensuring that all children and young people have opportunities to achieve their potential.

- 4.2 The sustainability of vibrant town centres is also one of the Council's key priorities and Section 106 funding, where appropriate, can make a significant contribution in achieving one of the Council's main aims.
- 4.3 The Department for Communities and Local Government (DCLG) document 'Planning Obligations: Practice Guidance' sets out ways in which local planning authorities can secure planning obligation. It covers such matters as in-kind and financial contributions, one-off and phased payments, maintenance and pooled payments. It stresses the need for Local Development Documents (whether DPDs or SPDs) to articulate the Council's policies on planning obligations in line with regional spatial strategy (The London Plan), and local need.
- 4.4 The London Plan (Policy 6A.4) requires boroughs to give priority to affordable housing, public transport improvements, learning and skills, health facilities and childcare provision and have clear local policies to these ends.
- 4.5 The Planning Act 2008 has now received Royal Assent and there is a proposal to introduce a Community Infrastructure Levy (CIL). The final regulations covering the Levy came into force on 6<sup>th</sup> April 2010. A report was submitted to Development Control Committee on 20<sup>th</sup> October 2009 setting out the Council's response to consultation on the details of the regulations. For the present, S106 agreements will continue to be the way in which local planning authorities receive community advantages from development proposals.
- 4.6 In addition a Revised Draft Supplementary Planning Document (SPPD) on Planning Obligations was submitted to Development Control Committee on 12<sup>th</sup> January 2010 and it was agreed that the document should be published for consultation. The consultation period ended on the 31<sup>st</sup> March and responses are being compiled in a report which will accompany the final version of the SPD.
- 4.7 This final version will also incorporate the implication of CIL regulations which came into force on 6<sup>th</sup> April. CIL regulation 122 places into law three statutory tests which are based upon the original five policy tests in Circular 05/05. The three tests are ;
- a) necessary to make development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 4.8 These are the only basis on which section 106 contributions can now be sought. Regulation 123 ensures that the local use of CIL and planning obligations does not overlap. However, DCLG has now been advised that with the change of Government the position on CIL is unclear. Confirmation on the future of CIL is expected in the autumn. Inevitably, this will delay the final SPD further.

## **5. FINANCIAL IMPLICATIONS**

- 5.1 The table below summarises the overall Appendix 3, giving a breakdown across the service areas of all S106 obligations agreed within the last 6.5 years and details of whether the sums are confirmed (eg development has started) or provisional (S106 obligation agreed but development not started): -

AREA	S106 SUMS CONFIRMED	PROVISIONAL S106 SUMS £	TOTAL £
Local Economy, Town Centre, Community Use	2,188,500	51,000	2,239,500
Highways/Traffic/Parking	966,061	362,000	1,328,061
Education	1,541,829	678,561	2,220,390
Health/Primary Care Trust	532,704	417,768	950,472
Landscape	35,000	30,000	65,000
Housing	3,120,437	4,818,000	7,938,437
Other	13,000	0	13,000
<b>TOTALS</b>	<b>8,397,531</b>	<b>6,357,329</b>	<b>14,754,860</b>

5.2 Of the £8.4m confirmed sums, £7.3m has been received and £2.8m has been spent, leaving an unspent balance of £4.5m. It should also be noted that £1.2m has been received (Garrard House development) from the provisional sum and this also remains unspent as at 30<sup>th</sup> June 2010.

5.3 The summarised financial position of the unspent balances across the service areas (detailed in Appendix 4) is as follows: -

AREA	BALANCE AS AT 30.6.10 £	CURRENT OUTSTANDING COMMITMENTS £	LATEST BALANCE AS AT 30.6.10 £
<b>Revenue</b>			
Local Economy, Town Centre, Community Use	85,310	11,000	74,310
Highways/Traffic/Parking	588,297	171,905	416,392
Health/Primary Care Trust	223,202	0	223,202
Landscape	35,000	0	35,000
Other	15,000	0	15,000
<b>Total Revenue Balance</b>	<b>946,809</b>	<b>182,905</b>	<b>763,904</b>
<b>Capital</b>			
Housing	2,391,263		2,391,263
Education	915,699	450,000	465,699
Local Economy	410,452	383,952	26,500
Community Facilities	860,000	15,000	845,000
Interest accrued to capital S106 agreeem	119,665	106,000	13,665
<b>Total Capital Balance</b>	<b>4,697,079</b>	<b>954,952</b>	<b>3,742,127</b>
<b>Total Section 106 Balance</b>	<b>5,643,888</b>	<b>1,137,857</b>	<b>4,506,031</b>

5.4 It should be noted that an additional amount of £19,000 is held as a bond in accordance with the S106 agreement for the Orpington College development.

5.5 £2,000 is also being held as part of a maintenance fund for the developer to use for the future maintenance of the road from the Denbridge Road development.

## 6. LEGAL IMPLICATIONS

6.1 The power of a Local Planning Authority to enter into a Planning Obligation with anyone having an interest in land in their area is contained in section 106 of the Town and Country Planning Act 1990 (as amended by Section 12 of the Planning and Compensation Act 1991). Planning Obligations made under section 106 comprise both obligations and unilateral undertakings.

Government advice on the use of section 106 is contained within Circular 5/05 'Planning Obligations' (Office of the Deputy Prime Minister, July 2005).

- 6.2 A Planning Obligation may only be created by a person with an interest in the relevant land, and may be created either by means of an agreement with the Local Planning Authority or by means of a unilateral undertaking. An Obligation may restrict development or the use of land, need specific works to take place or need a financial contribution towards a work or service of public benefit.
- 6.3 The main features of a Planning Obligation are:
- It applies to the land, so enforcement of it would be against the person who agreed it (normally the applicant) or their successor in title.
  - It can also be enforced by a legal injunction. Where a person has defaulted on a requirement to carry out works on the land, the Local Planning Authority may also enter onto the land to enforce the terms of the Obligation and to claim back its reasonable costs arising from this action.
  - It can contain a restriction on use of the land or a requirement for works to be undertaken thereon, that can be for an indefinite period, a stated period, or a period defined by reference to some future event, e.g. the completion of specified works.
  - Contribution(s) may be expressed as being due:
    - (a) Singly, on a specified date, or one that can be derived from defined future event(s),
    - (b) In instalments, the amounts of which can be stated or derived from a formula, that are payable on specified dates or on dates based on future events, e.g. stages of the development, and
    - (c) Singly or in instalments, the amounts of which can be stated or derived from a formula, that are payable on specified date(s), or at defined times after, the completion of the development, e.g. to contribute to maintenance needs.
- 6.4 A section 106 Agreement can be varied with the agreement of the Local Planning Authority; there is also a formal application and appeals process in certain circumstances. Section 106 contributions may be time limited in the agreement or undertaking. Even where this is not the case then section 12(3) Planning and Compensation Act 1991 Section allows a person to apply for a planning obligation to be discharged after 5 years and if money has not been spent or there is not a clear intention to spend within a reasonable time a local authority may be made to refund in such cases.
- 6.5 The planning system works on the principle that planning permissions cannot be bought from or sold by a Local Planning Authority. Negotiations to gain benefits from development proposals must take place in a way which is seen to be fair and reasonable. By working in this way, Planning Obligations can improve the quality of development proposals which might otherwise have to be refused.
- 6.6 Planning Obligations must be related to the scale and nature of the development being proposed. Circular 5/05 requires Planning Obligations to meet the following tests. They have to be:
- Necessary to make a proposal acceptable in planning terms;
  - Relevant to planning;
  - Directly related to the proposed development;
  - Fairly and reasonably related in size and type to the proposed development; and
  - Reasonable in all other respects.
- 6.7 The Council acting as Local Planning Authority cannot allow unacceptable developments because of unnecessary or unrelated benefits that the applicant may be offering. Equally

applicants cannot be expected to pay for facilities which are only needed to deal with existing shortfalls in the area.

<b>Non-Applicable Sections:</b>	Personnel
Background Documents: (Access via Contact Officer)	ODPM Circular 05/2005 Planning Obligations 2008/09 budget monitoring files within ES Impact of Large Developments – Progress Monitoring Report March 2006 Shared file listing all S106 agreements Executive & Resources PDS Committee 26 <sup>th</sup> March 07 Executive and Resources PDS Committee 16 <sup>th</sup> July 07 Executive and Resources PDS Committee 2 <sup>nd</sup> Sept 2008 Executive and Resources PDS Committee 25 <sup>th</sup> March 2009



## SECTION 106 AGREEMENTS REQUIRING A RESTRICTIVE OR 'NEGATIVE' OBLIGATION - CHANGES SINCE NOVEMBER 2009

Ref No	Current Status	App No	Address	Nature of Application	Date	Legal Agreement	Closed Date
227	Agreed	08/03391	Land rear of Nugent Shopping Park Cray View Close St Mary Cray Orpington	3 four storey blocks comprising 33 two bedroom and 4 three bedroom flats with access road and 45 car parking space (37 Unit scheme)	11-May-09	The owner shall make available (prior to first occupation) the surplus parking spaces (12) with a restriction to use by the occupiers of the development only and shall remain its sole use. Healthcare contribution of £7,695 and Education contribution of £11,684 split as per instructions. No more than 29 residential units shall be occupied prior to the owner having paid the contributions.	
229	Agreed	09/00061	210 Anerley Road London SE20 8TJ	Demolition of Nos. 210 and 212 (and retention of 36 bedroom two storey rear addition) and erection of 59 bedroom residential care home (including ancillary kitchen/ laundry/ offices / dining and day rooms/ swimming pool) with 8 car parking spaces	19-May-09	Healthcare contribution of £24,850 due 14 days prior to the commencement date. Shall repay any unspent funds within 5 years. Superseded by 237.	
231	Agreed	08/03098	117 Widmore Road Bromley BR1 3AH	Demolition of the existing infill between 117 and 119 Widmore Road and erection of a four storey infill and rear extension together with the conversion of 117 and 119 Widmore Road to provide a total of 16 units (7 one bedroom flats and 9 two bedroom flats) with 8 car parking spaces, along with refuse and cycle storage (revised plans received of roof and front and rear elevations of extension)	17-Jul-09	8 Affordable units Car club contribution £2,500 due on the commencement of the development and will provide one year free membership to one resident of each affordable unit. Highway contribution of £2,500 due on the commencement date. The Council will repay any unspent funds within 5 years of commencement. No resident will be able to apply for a parking permit.	
234	Agreed	09/00351/S106	123 South Eden Park Road Beckenham BR3 3AT	Demolition of existing buildings and erection of 3 detached two storey five bedroom houses with double garages and one detached five bedroom house with detached double garage. Rear balconies on plots 1, 2 and 3 and accommodation in the roof space on plots 2 and 3.	20-Aug-09	Highways works to provide footway and other works	
236	Agreed	09/00681/ S106	50 Palace Grove Bromley BR1 3HB	Demolition of existing building and erection of three storey block containing 6 two bedroom flats with cycle shed and bin store	03-Dec-09	To keep all apartments at all times car free. Not to make any application or allow any application to be made for a residents parking permit scheme. UNILATERAL UNDERTAKING	

Ref No	Current Status	App No	Address	Nature of Application	Date	Legal Agreement	Closed Date
240	Agreed	09/01434/S106	Down House Luxted Road Downe Orpington BR6 7JT	Temporary overflow, visitor car park for up to 90 days per year. Alterations to access laying out temporary surface in fields south of Down House, accessed from Luxted Road.	18-Aug-09	To ensure a member of English Heritage staff will be present at the access gate to the site at all times when in use as a public car park for visitors to Down House. To lay a turf reinforced mesh as indicated on attached plan. No cars to be allowed to park within 2 metres of public footpath. To ensure no destruction is caused to the public footpath by the use of the site. To ensure in the event of damage to the footpath, it is repaired promptly and to the Council's satisfaction. UNILATERAL UNDERTAKING	
242	Agreed	09/01552/S106	Ruxley Manor Garden Centre Maidstone Road Sidcup DA14 5BQ	Building for storage & retail display (with first floor offices within part) on site of building destroyed by fire.	21-May-10	To include the new permission under the original S106 agreement. Replacement definitions relating to applications, buildings/structures, development, plans and planning permission. Replace plan C0323-17 with new plan H3113/103. DEED OF VARIATION	
245	Agreed	08/03098	121 Widmore Road Bromley BR1 3AH	Demolition of existing rear extension, erection of three storey rear extension and conversion of existing building into six 2 bedroom and one 1 bedroom flats with three parking spaces, refuse store and cycle store.	16-Jun-10	Car club contribution £2,500 to be paid 14 days prior to the occupation of the dwelling. No occupier will be able to apply for a parking permit To pay no more than £2,500 for waiting restrictions UNILATERAL UNDERTAKING	
246	Agreed	07/04337/S106	Primrose Farm Jail Lane Biggin Hill TN16 3AX	Demolition of existing farmhouse and outbuildings and erection of detached two storey 4 bedroom house with associated vehicular access and driveway.	16-Jun-10	The owner to permanently remove all the existing buildings as shown hatched black on Plan 1 (attached to the agreement). All rubbish including any fly tipped items will be permanently removed prior to the commencement of development.	

## SECTION 106 AGREEMENTS REQUIRING 'POSITIVE' NON-FINANCIAL OBLIGATION - CHANGES SINCE NOVEMBER 2009

Ref No	App No	Address	Nature of Application	Date	Legal Agreement	Gain (Units)	Status	Closed Date
235	09/00422/s106	Plaistow Lane Service Station 1 Plaistow Lane Bromley BR1 4DS	Demolition of existing buildings and erection of three storey block comprising Class A1 (retail) unit on ground floor 4 one bedroom flats, 7 two bedroom flats, 1 three bedroom flat above together with 1 storey four bedroom house (access from Lychet Road) plus 13 car parking spaces and associated cycle and refuse space.	06-May-09	100 affordable housing, 13 units UNILATERAL UNDERTAKING	13	AGREED	
238	09/01791/PLNC	Community Centre Castledine Road Penge London SE20 8AE	Part two/three storey block comprising 3 bedroom house and 12 two bedroom flats. Three storey block comprising replacement community centre / 9 two bedroom and 1 three bedroom flats. Single storey building comprising bicycle parking and plant room. 23 car parking spaces. Replacement all weather multi-use games area.	09-Mar-10	9 affordable units. To complete no more than 50% of the private dwellings until the affordable housing units have been transferred to the registered social landlord. Prior to the first use of the community centre to lay out the area of land shown hatched blue, for the purpose of accommodating the Open Space and Multi-use games area.	9	AGREED	
239	09/02725/S106	Bromley Business Centre 46-48 East Street Bromley BR1 1QW	Two storey rear extension and conversion of 1st and 2nd floors to provide 2 one bedroom and 3 bed sit flats and additional storage area to ground floor.	16-Mar-10	Deed of variation to include the new application in the previous agreement dated 30th October 2008 DEED OF VARIATION	0	AGREED	
243	09/01664/S106	Dylon International Ltd Worsley Bridge Road London SE26 5BE	Mixed use redevelopment comprising basement car parking and 2 part five/six/seven/eight storey blocks for use as Class B1 office accommodation (6884 sqm) / Class A1 retail (449 sqm) / Class A3 café / restaurant (135 sqm) / Class D1 creche (437 sqm) and 149 flats (32 one bedroom / 78 two bedroom / 39 three bedroom).	15-Sep-09	51 Affordable dwellings and traffic order UNILATERAL UNDERTAKING	51	AGREED	
247	09/03025/S106	One-O-One Club 101A Parish Lane Penge London SE20 7NR	Four storey block comprising 2 one bedroom, 13 two bedroom and 5 three bedroom flats with 16 car parking spaces (accessed from adjacent development to north-west), refuse/recycling store and bicycle parking AMENDED DESCRIPTION AND ADDITIONAL INFORMATION	07-Jun-10	20 Affordable units. The site shall have free right of way from adjoining land known as Vickers Court, 101B Parish Lane, London SE20 7HU in accordance with the details shown on the attached plan.	20	AGREED	
			<b>TOTAL NUMBER OF UNITS SINCE MARCH 2009</b>			<b>93</b>		

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SECTION 106 AGREEMENTS REQUIRING A 'POSITIVE' FINANCIAL OBLIGATION - CHANGES SINCE NOVEMBER 2009

TAKEN FROM THE PUBLIC REGISTER OF CONTRIBUTIONS															
Ref No.	App No.	Address of application	Nature of Application	Date of s106	Legal agreement	Gain	Rec'd	Community Use/ Town centre / local economy	Highways/ Traffic / parking	Education	Health PCT	Landscaping	Other	Housing	
237 (was 229)	09/00061	210 Anerley Road London SE20 8TJ	Demolition of Nos. 210 and 212 (and retention of 36 bedroom two storey rear addition) and erection of 59 bedroom residential care home (including ancillary kitchen/ laundry/ offices / dining and day rooms/ swimming pool) with 8 car parking spaces	25th February 2010	Updated healthcare contribution of £26,270 due 14 days prior to the commencement date. Shall repay any unspent funds within 5 years. DEED OF VARIATION.	Healthcare contribution: £26,270	No				£26,270				
241	09/02470	7 Willow Vale Chislehurst BR7 5DF	2 two storey five bedroom dwellings, one with attached double garage and one with detached double garage and access road from Empress Drive OUTLINE APPLICATION	3rd March 2010	EITHER To pay the contribution of £15,000 within 15 working days of receipt of evidence that the council will carry out the highways works OR the company will complete the highway works with a contractor prior to the occupation of the first dwelling. UNILATERAL UNDERTAKING	highways contribution £15,000	No		15,000.00						
244	08/02864	173 - 175 High Street Orpington Kent BR6 0LW	Part one/ three/ four storey building comprising retail shop and 1 one bedroom and 7 two bedroom flats with refuse storage and bicycle parking	15th June 2010	Car club contribution £10,000 due prior to the fist occupation of any of the units. In the event of that the start up costs in respect of the scheme do not attract the upper limit of the Contribution of £10,000 the Council shall reimburse the Owner.	car club £10,000	No		10,000.00						
245	09/00847	121 Widmore Road Bromley BR1 3AH	Demolition of existing rear extension, erection of three storey rear extension and conversion of existing building into six 2 bedroom and one 1 bedroom flats with three parking spaces, refuse store and cycle store.	14th January 2010	Car club contribution £2,500 to be paid 14 days prior to the occupation of the dwelling. No occupier will be able to apply for a parking permit To pay no more than £2,500 for waiting restrictions UNILATERAL UNDERTAKING	Car club £2,500 Waiting restriction costs: £2,500	No		2,500.00  2,500.00						
<b>TOTAL SECTION 106 CONTRIBUTIONS</b>									<b>£0</b>	<b>£30,000</b>	<b>£0</b>	<b>£26,270</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>

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## REVENUE ITEMS

Dept. Anal.	Public register ref	Address of application	Use of monies	31st March 2010	Movement during 2010/11	Commitments	Movement during 2010/11	Transferred to Capital	Balance	Time Limit for spend
				£	£	£	£		£	
		CCTV			Expenditure		Income			
F0648	197	Orpington Halls High St Orpington	TC contribution of £5,000 for CCTV	(5,000.00)	0.00	0.00	0.00	0.00	(5,000.00)	Aug 2014
		<b>Total for CCTV expenditure</b>		<b>(5,000.00)</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>(5,000.00)</b>	

<b>Highway improvement works &amp; traffic schemes</b>										
F0620	104	bristol Street Motors, Masons Hill/Prospect Place	Highway improvement works	(30,000.00)	0.00	30,000.00	0.00	0.00	0.00	18.4.09
F0622	108	Aquila, Golf Road Bickley	£325k Highways works, £10k surveys	(329,400.00)	0.00	120,000.00	0.00	0.00	(209,400.00)	Dec 2012
F0624	139	Nugent Estate, Sevenoaks Way Orpington	£10k for footpath maintenance	(10,000.00)	0.00		0.00	0.00	(10,000.00)	Feb 2012
F0629	173	Knotley Springfield Gardens West Wickham	£15k for highway works and £2.5k for traffic order	(15,000.00)	0.00		0.00	0.00	(15,000.00)	Oct 2011
F0650	206	J Sainsbury Pallant Way	£20,000 towards bus improvement	(20,000.00)	0.00		0.00		(20,000.00)	July 2013
F0658	203	Multi-storey car park at Earls Way Orpington	£80k for bus stop enhancement	(80,000.00)	0.00	0.00	0.00	0.00	(80,000.00)	Sept 2014
F0648	197	Orpington Halls High St Orpington	£2,500 for traffic order	(2,500.00)	0.00	0.00	0.00	0.00	(2,500.00)	Aug 2014
F0671	231	117 Widmore Road Bromley	£2500 highways contributions	(2,500.00)	0.00	0.00	0.00	0.00	(2,500.00)	June 2014
F0628	232	Garrard House, 2-6 Homesdale Road Bromley	£2,000 for loading restriction contribution	0.00	0.00	0.00	(2,000.00)	0.00	(2,000.00)	May 2015
		<b>Total for Highway improvement works</b>		<b>(489,400.00)</b>	<b>0.00</b>	<b>150,000.00</b>	<b>(2,000.00)</b>	<b>0.00</b>	<b>(341,400.00)</b>	

<b>Road Safety and cycle schemes</b>										
F0622	108	Aquila, Golf Road Bickley	£60k traffic calming	(29,833.34)	0.00		0.00	0.00	(29,833.34)	Dec 2014
		<b>Total Road Safety &amp; cycle schemes</b>		<b>(29,833.34)</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>(29,833.34)</b>	

<b>Local Economy and Town Centres</b>										
F0624	139	Nugent Estate, Sevenoaks Way Orpington	£1m for local economy & £50k town centre	(45,310.00)	0.00	1,000.00	0.00	0.00	(44,310.00)	Feb 2012
		<b>Total Local Economy &amp; Town Centres</b>		<b>(45,310.00)</b>	<b>0.00</b>	<b>1,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>(44,310.00)</b>	

<b>Parking</b>										
F0618	120	Beckenham hospital, Croydon Road Beckenham	£10k car park, £30k residents parking scheme	(18,000.00)	0.00	18,000.00	0.00	0.00	0.00	Aug 2009
F0621	110	77 Addington Road West Wickham	Contribution to on street parking	(1,000.00)	0.00	1,000.00	0.00	0.00	0.00	To be refunded
F0647	204	Tesco - Homesdale Road	£40k towards controlled parking zone	(40,000.00)	0.00	0.00	0.00	0.00	(40,000.00)	July 2014
F0645	194	Reliance House	5000 towards 'white lining' for the provision of public and car club parking & restoration of redundant crossovers	(2,658.88)	0.00	0.00	0.00		(2,658.88)	Sept 2011
F0646	185	101 Palace Road Bromley	£3000 for white lining car parking spaces and redstoning crossovers parking Permit Scheme, Car Club Scheme	(2,904.59)	0.00	2,904.59	0.00	0.00	0.00	Aug 2012
F0671	231	117 Widmore Road Bromley	£2500 towards car club	(2,500.00)	0.00	0.00	0.00	0.00	(2,500.00)	June 2014
		<b>Total parking schemes</b>		<b>(67,063.47)</b>	<b>0.00</b>	<b>21,904.59</b>	<b>0.00</b>	<b>0.00</b>	<b>(45,158.88)</b>	

<b>Landscaping</b>										
F0627	151 & 25	Cheyne Centre Woodlands Way West Wickham	£35k towards woodland maintenance	(35,000.00)	0.00		0.00	0.00	(35,000.00)	N/A
				<b>(35,000.00)</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>(35,000.00)</b>	

<b>Community facilities</b>										
F0612	83	Kelsey Square Beckenham	Community contribution	(10,000.00)	0.00	10,000.00	0.00	0.00	0.00	June 2008
F0658	203	Multi-storey car park at Earls Way Orpington	£30k playspace contribution	(30,000.00)	0.00	0.00	0.00	0.00	(30,000.00)	Mar 2015
				<b>(40,000.00)</b>	<b>0.00</b>	<b>10,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>(30,000.00)</b>	

<b>Other minor schemes</b>										
F0647	204	Tesco - Homesdale Road	£10k webcam contribution	(10,000.00)	0.00		0.00	0.00	(10,000.00)	Oct 2013
		<b>Total other minor schemes</b>		<b>(10,000.00)</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>(10,000.00)</b>	

<b>Education</b>										
F0667	227	Land Rear Of Nugent Shopping Park, Cray View Close, St Mary Cray, Orpington	£11,684 for Education	0.00	0.00	0.00	(11,684.00)	11,684.00	0.00	May 2014
				<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>(11,684.00)</b>	<b>11,684.00</b>	<b>0.00</b>	

Dept. Anal.	Public register ref	Address of application	Use of monies	31st March 2010	Movement during 2010/11	Commitments	Movement during 2010/11	Transferred to Capital	Balance	Time Limit for spend
		<b>Housing</b>								
F0635	167	Oakwood Court, Bromley Road	£725k towards affordable housing	0.00	0.00	0.00	(725,000.00)	725,000.00	0.00	
				<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>(725,000.00)</b>	<b>725,000.00</b>	<b>0.00</b>	
		<b>Primary Care service</b>								
F0632	172	The George High Street Franborough	£12,228 towards additional primary care infrastructure	(12,228.00)	0.00		0.00	0.00	(12,228.00)	Sep 2011
F0633	164	SIRA South Hill Chislehurst	£66,000 for healthcare facilities	(66,000.00)	0.00		0.00	0.00	(66,000.00)	June 2011
F0643	180	James Dixon Schl site Anerly Park	£26,496 for Health	(26,496.00)	0.00		0.00	0.00	(26,496.00)	Aug 2012
F0663	218	The Partridge, Chipperfield Road	£13244 for Health care	(13,244.00)	0.00	0.00	0.00	0.00	(13,244.00)	Mar 2014
F0648	197	Orpington Halls High St Orpington	£13,243 for health care	(13,243.00)	0.00	0.00	0.00	0.00	(13,243.00)	Aug 2014
F0670	230	Enterprise Hse, 45 Homesdale Road	£84296 for healthcare cont'n	(84,296.00)	0.00	0.00	0.00	0.00	(84,296.00)	Feb 2015
F0667	227	Land Rear Of Nugent Shopping Park, Cray View Close, St Mary Cray, Orpington	£7,695 for health	0.00	0.00	0.00	(7,695.00)	0.00	(7,695.00)	May 2014
				<b>(215,507.00)</b>	<b>0.00</b>	<b>0.00</b>	<b>(7,695.00)</b>	<b>0.00</b>	<b>(223,202.00)</b>	
<b>Total S106 Revenue Balance as at 30.6.10</b>				<b>(937,113.81)</b>	<b>0.00</b>	<b>182,904.59</b>	<b>(746,379.00)</b>	<b>736,684.00</b>	<b>(763,904.22)</b>	

## CAPITAL ITEMS

		<b>Housing</b>								
F0633	164	SIRA South Hill Chislehurst	£1,485,000 affordable housing	(491,263.20)	0.00	0.00		0.00	(491,263.20)	June 2011
F0628	166	Garrard House, 2-6 Homesdale Road Bromley	Housing	(1,175,000.00)	0.00	0.00		0.00	(1,175,000.00)	Aug 2012
F0635	167	Oakwood Court, Bromley Road	£725k towards affordable housing	0.00	0.00	0.00	0.00	(725,000.00)	(725,000.00)	June 2015
		<b>Total Housing</b>		<b>(1,666,263.20)</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>(725,000.00)</b>	<b>(2,391,263.20)</b>	
		<b>Education</b>								
F0622	108	Aquila, Golf Road Bickley	£600k Education	(600,000.00)	0.00	311,340.00		0.00	(288,660.00)	May 2014, March 2015 & Oct 2015
F0633	164	SIRA South Hill Chislehurst	£94,500 for education	(94,500.00)		94,500.00		0.00	0.00	June 2011
F0632	172	The George High Street Franborough	£16,764 towards education facilities	(16,764.00)		16,764.00		0.00	0.00	Sep 2011
#REF!	180	James Dixon Schl site Anerly Park	£27,396 for Education	(27,396.00)		27,396.00		0.00	0.00	Aug 2012
F0663	218	The Partridge, Chipperfield Road	£29,140 towards Education	(29,140.00)				0.00	(29,140.00)	Mar 2014
F0648	197	Orpington Halls High St Orpington	£24,409 for Education	(24,409.00)	0.00	0.00	0.00	0.00	(24,409.00)	Aug 2014
F0670	230	Enterprise Hse, 45 Homesdale Road	£111,806 for Education	(111,806.00)	0.00	0.00	0.00	0.00	(111,806.00)	Feb 2015
F0667	227	Land Rear Of Nugent Shopping Park, Cray View Close, St Mary Cray, Orpington	£11,684 for Education	0.00	0.00	0.00	0.00	(11,684.00)	(11,684.00)	May 2014
		<b>Total Education</b>		<b>(904,015.00)</b>	<b>0.00</b>	<b>450,000.00</b>	<b>0.00</b>	<b>(11,684.00)</b>	<b>(465,699.00)</b>	
		<b>Local Economy</b>								
F0624	139	Nugent Estate, Sevenoaks Way Orpington	£1m for local economy	(449,989.71)	66,038.00	383,951.71		0.00	0.00	Dec 2011
F0636	182	Police Station Widmore Road	£26,500 towards provision of improvements to Bromley Town Centre	(26,500.00)	0.00	0.00	0.00	0.00	(26,500.00)	Aug 2012
		<b>Total Local Economy</b>		<b>(476,489.71)</b>	<b>66,038.00</b>	<b>383,951.71</b>	<b>0.00</b>	<b>0.00</b>	<b>(26,500.00)</b>	
		<b>Community Facilities</b>								
F0625	119	Holwood, Westersham Road	£100k towards a Heritage Centre (Darwin &/or Biggin Hill)	(100,000.00)		0.00		0.00	(100,000.00)	Dec 2012
F0642	129	Land at Main Road Biggin Hill	£760k towards Heritage Centre	(760,000.00)		15,000.00		0.00	(745,000.00)	5 yrs from sale of 80th dwelling
		<b>Total Community Facilities</b>		<b>(860,000.00)</b>	<b>0.00</b>	<b>15,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>(845,000.00)</b>	
		<b>Interest</b>								
F0651		Interest accrued to S106 capital items		(119,665.00)	0.00	106,000.00	0.00	0.00	(13,665.00)	None
<b>Total Section 106 Capital balance as at 30.6.10</b>				<b>31.03.09</b>	<b>(4,026,432.91)</b>	<b>66,038.00</b>	<b>954,951.71</b>	<b>0.00</b>	<b>(736,684.00)</b>	<b>(3,742,127.20)</b>
<b>Total Section 106 Balance as at 30.6.10</b>					<b>(4,963,546.72)</b>	<b>66,038.00</b>	<b>1,137,856.30</b>	<b>(746,379.00)</b>	<b>0.00</b>	<b>(4,506,031.42)</b>



### 73 SECTION 106 AGREEMENTS: UPDATE

Report DRR10/00087

Members considered an update on Section 106 Agreements.

Development of a joint database had been completed through creation of an Access Database populated by information from both the Uniform system and Oracle accounting system. The detail of every S106 agreement was stored in at least one of three Appendices. Appendix 1 recorded the 'negative/restrictive obligations' including developments restricted by the S106 either by use, limitations on development within the curtilage, or by not implementing a previous permission. Appendix 2 recorded the 'positive non financial' contributions and Appendix 3 recorded 'positive financial' contributions.

Members were provided with details of 17 new agreements since the previous update in November 2009. Appendix 1 of the report showed nine 'negative' S106 legal agreements; Appendix 2 showed five new 'positive non-financial' S106 legal agreements; Appendix 3 showed three new agreements of specific 'positive financial' gain to the Council (one of which was also included at Appendix 1) and Appendix 4 provided details of current balances held by the Council for S106 agreements - split by service area, revenue/capital classification and the time limit for spending monies. Where no time limits existed a five year limitation from the date of the legal agreement was assumed.

In discussion Councillor Robert Evans referred to paragraph 5.3 of the report and the financial position of unspent balances across the service areas. In particular he highlighted the latest balance at 30<sup>th</sup> June 2010 related to Housing. This comprised some £2.3m and he enquired what the sum was spent on and whether it could be used more flexibly. The Chief Planner agreed to report back after making further enquiries, (Action: BM)

At paragraph 4.7 of the report Councillor Julian Grainger enquired about one of the three statutory basis in the Community Infrastructure Levy (CIL) under which section 106 contributions could now be sought, namely the test related to being "*directly related to the development*". The Chief Planner explained that there were previously five policy tests as outlined in Circular 05/05 which were not legal requirements. However new regulations regarding the Community Infrastructure Levy made it more defined where a section 106 contribution could be sought.

**RESOLVED that the report and its appendices be noted.**

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**Executive and Resources PDS Committee  
22<sup>nd</sup> September 2010  
Matters Arising – Minute 73 (25<sup>th</sup> August 2010)**

**Response to Councillor Robert Evans' request for information regarding the financial position of unspent balances of section 106 funds relating to housing, in particular the latest balance of £2.3m at 30th June 2010, how it is to be spent and can it be used more flexibly?**

The sums are payments made under section 106 of the Town and Country Planning Act 1990 where developments are required to provide affordable housing. The sums are provided in lieu of developing affordable housing on site – hence they are referred to as payments in lieu (PiL)

**What can a PiL be spent on?**

The Council has a legal obligation to spend PiL funds on delivering affordable housing. In line with the Town and Country Planning Act 1990, PiL Funds must be spent within the time-period stated within the legal agreement; which is usually within five years of receipt. If the Council has not spent/contractually committed the sums received within the given timeframe then the applicant may request such sums (or the relevant part not spent/committed) to be paid back.

**How do we plan to spend the £2.3million?**

Of the current PiLs that constitute the £2.3million referred to above, the SIRA and Garrard House payments have no time limit specified in the legal planning agreement. However, using the 5 year benchmark we still have :-

- until March 2012 for SIRA,
- Sept 2011 to Feb 2013 for Garrard House – 3 phased payments of PiL
- August 2015 for Oakwood Court

As funding for affordable housing is likely to become significantly less in forthcoming Government spending plans, it is not anticipated that there will be any problems in spending this money to deliver affordable housing before the 5 year deadline.

To date:

- £500k has been committed to help deliver an Extra Care Housing scheme at Bromley Common. The provision of Extra Care Housing for the elderly is a key priority in the ACS Portfolio Plan and helps to promote choice and support independence for older people and vulnerable adults; contributing significantly to improved and more effective services and helping to tackle future budget pressures by achieving savings or future cost prevention for the Council.
- It is also anticipated that PiL funds will be used to deliver 2 x adapted flats for disabled households at Enterprise House, Homesdale Rd with a further 2 units currently being sought. These units will provide short-term accommodation for adults with acquired spinal injuries or a variety of Long Term Conditions that result in adults needing either temporary accommodation whilst their own homes are being adapted or a period of community living with higher support in preparation for independent living. A shortage of readily available appropriate properties currently means that service users have to move from specialist rehab units to nursing homes for between 1 and 2 years. This places a heavy burden of financial cost on the Council and puts the service user at risk of losing their skills of independence and confidence to live independently. It also means families cannot live together.
- The most recent payment for development assisted in the provision of units for wheelchair users and people with a Learning Disability alongside the first new Extra Care Housing scheme at Bromley Common.

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# Agenda Item 8

Report No.  
DRR10/00097

London Borough of Bromley

PART 1 - PUBLIC

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**Decision Maker:** DEVELOPMENT CONTROL COMMITTEE

**Date:** 14 October 2010

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

**Title:** CRYSTAL PALACE PARK MASTERPLAN - UPDATE  
REGARDING THE SECRETARY OF STATE'S  
CONSIDERATION

**Contact Officer:** Chris Evans, Manager, Major Developments Team  
Tel: 020 8313 4554 E-mail: chris.evans@bromley.gov.uk

**Chief Officer:** Bob McQuillan, Chief Planner

**Ward:** Crystal Palace

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1. Reason for report

The Secretary of State for Communities and Local Government (SoS) has stated that he is minded to grant planning permission for the Crystal Palace Park Masterplan, subject to revised conditions and a revised Section 106 Agreement. The report informs of the content of the letter and the next steps to be taken by the Council and the London Development Agency (LDA).

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2. **RECOMMENDATION(S)**

Members note the report.

### Corporate Policy

1. Policy Status: Existing policy. Planning policies in the Unitary Development Plan
  2. BBB Priority: Quality Environment.
- 

### Financial

1. Cost of proposal: No cost
  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: None
- 

### 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? Yes.
2. Summary of Ward Councillors comments: Cllr Papworth has expressed his concerns about the effects of the College building on the residents whose properties which back onto Ledrington Road

### 3. COMMENTARY

3.1 On 09.12.08 the Development Control Committee considered reports on the following regarding the London Development Agency's Masterplan for Crystal Palace Park as follows –

- the Environmental Impact Assessment accompanying it
- the planning application
- an application for Conservation Area Consent (CAC) for demolition of various structures
- a Listed Building Consent (LBC) application for alterations to the National Sports Centre.

It resolved to grant permission / consents for the applications subject to a Section 106 Agreement and any direction by the Mayor of London and the Secretary of State.

3.2 The Mayor informed the Council on 17.12.08 that he was content to allow the Council to determine the application itself, but on 28.01.09 and 26.02.09 the SoS called in the applications for determination by him. An Inquiry took place over 5½ weeks between July and September 2009. The Inquiry Inspector's report was considered by the SoS and on 02.07.10 a letter was sent by the Department of Communities & Local Government (CLG) stating that the SoS is minded to agree with the Inspector's recommendation to grant planning permission, subject to revised conditions and the submission of a revised Section 106 Agreement.

3.3 The SoS is of the view that 3 of the conditions, which require the payment of money, would amount to a tax and that the principle that there can be no taxation without clear support in law would thus be breached. He therefore proposes deleting conditions 58-60 and the related Annex A1 "Outline Specification Park Works". The SoS considers that any arrangements for the payment of any monies for the improvement works, as originally set out in these conditions and Annex A1, should be the subject of a planning obligation, and he accordingly invited the LDA to submit a reformulated Section 106 Agreement incorporating those provisions.

3.4 The SoS agrees with the Inspector that the CAC and LBC applications can be granted subject to conditions set out, but considers that it would not be appropriate to grant these consents in advance of the planning application.

3.5 The SoS set a timetable to allow 8 weeks for the submission of a reformulated agreement, followed by 3 weeks for circulation of and comments on it i.e. to issue a decision on or before 06.10.10. He emphasised that his letter did not invite comments on any other matters than those he raised regarding conditions / obligations.

3.6 The LDA and Council officers have given the matter consideration. Essentially the issue is that the LDA does not have an interest in the residential sites, which are in Council ownership, and the Council is the Local Planning Authority and could not enforce the provisions of a Section 106 Agreement. However the Inquiry Inspector has noted in his report the undertaking made on 22.07.09 by the Council's Executive that the proceeds of the sale of the residential sites will be dedicated to meeting the costs of Park improvements, which is on public record.

3.7 The LDA's solicitors suggested alternative proposals for ringfencing the residential sales monies for Park improvements to the Decision Officer at the CLG. As these raised legal issues CLG stated that it would not be possible to keep to the timetable for the SoS decision, and a new timetable would be set out in writing once a revised Section 106 Agreement was submitted by the LDA.

3.8 The LDA duly submitted a revised Agreement and wording for revised conditions, and these will be made available to other parties by CLG. The SoS will now issue his decision on or before 22.11.10.

<b>Non-Applicable Sections:</b>	Policy, Financial. Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	Letter dated 21.07.10 from Department for Communities and Local Government, and Report on Inquiry concerning applications by the London Development Agency at Crystal Palace Park.



# Agenda Item 9

Report No.  
DRR10/00096

London Borough of Bromley

PART 1 - PUBLIC

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**Decision Maker:** DEVELOPMENT CONTROL COMMITTEE

**Date:** 14 October 2010

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

**Title:** CONSULTATION BY DEPARTMENT OF COMMUNITIES AND LOCAL GOVERNMENT REGARDING CHANGES TO ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS

**Contact Officer:** Chris Evans, Manager, Major Developments Team  
Tel: 020 8313 4554 E-mail: chris.evans@bromley.gov.uk

**Chief Officer:** Bob McQuillan, Chief Planner

**Ward:** All

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1. Reason for report

The Department of Communities and Local Government (CLG) is seeking comments on proposed amendments to the Town and Country Planning (Environmental Impact Assessment) Regulations which are required by 2 recent High Court and European Court judgements, with some other minor changes.

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2. **RECOMMENDATION(S)**

A copy of this report including the responses in the Appendix be forwarded to the CLG.

### Corporate Policy

1. Policy Status: Existing policy. Planning policies in the Unitary Development Plan
  2. BBB Priority: Quality Environment.
- 

### Financial

1. Cost of proposal: No cost
  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: None
- 

### 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): Boroughwide
- 

### Ward Councillor Views

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

### 3. COMMENTARY

- 3.1 CLG propose consolidation of the 1999 Environmental Impact Assessment Regulations (as amended in 2008). The main changes concern “screening” of proposals for changes/extensions to existing schemes as to whether they bring them within the scope of the Regulations. The consultation papers include draft revised Regulations.
- 3.2 The existing Regulations require that planning applications for certain types of development shall be accompanied by an Environmental Impact Assessment (EIA). For “Schedule 1 developments” (eg power stations, landfill of hazardous, oil refineries, paper mills) an EIA (or Environmental Statement (ES)) is mandatory. Schedule 2 defines other development which may require an EIA/ES, dependent on whether it is in a sensitive area (eg Site of Special Scientific Interest, Area of Outstanding Natural Beauty) and subject to thresholds set out.
- 3.3 In this Borough developments that may require an EIA/ES typically fall within Schedule 2 and comprise industrial estates and urban development projects above a threshold of 0.5 hectares site area eg shopping centres, car parks, sports stadia, leisure centres and multiplex cinemas, as defined in the Regulations.
- 3.4 As such, all proposals for developments on sites of over 0.5 hectares are “screened” at pre-application stage or during application processing regarding the need for an EIA/ES. A screening opinion is a written opinion of the relevant planning authority as to whether development is “EIA development”. Selection criteria for screening Schedule 2 development are set out in Schedule 3 of the Regulations under the following headings – characteristics of development, location of development and characteristics of potential impact. The vast majority of developments screened in the Borough over the years have not been “EIA development” by virtue of their modest size, location in areas that are not environmentally sensitive, and limited magnitude of impacts.
- 3.5 Developments in the Borough that have required an EIA/EA have included the Shortlands Junction scheme implemented by Network Rail in 2002 and the Crystal Palace Park Masterplan by the London Development Agency. Developments which have environmental impacts, but are not “EIA development” must be accompanied by relevant technical reports, eg Transport Assessment, Flood Risk Assessment, Biodiversity Report, Heritage Statement, Arboricultural Survey & Report etc. The need for such documents is generally discussed between applicants and officers at the pre-application stage, but applications can be invalidated at receipt if requirements for documentation set out in the “Local List” (adopted by the Development Control Committee on 08.07.08) are not met. It is at officers’ discretion whether to require information regarding impacts of a development, and such requests for documentation are made on a case by case basis.
- 3.6 This is considerable case law regarding the Regulations and their interpretation/implementation, as a result of challenges by affected parties, environmental lobbyists etc. The changes proposed now are to take account of recent case law, and amendments to the European Directive on EIAs that has been applied to England by the Regulations. A limited number of other amendments are proposed, but as the European Commission is reviewing the Directive, the CLG is not proposing a fundamental review of the operation of the EIA regime, as it might be premature.
- 3.7 The key changes proposed to the Regulations are set out in the consultation as follows –
- **Proposals to change or extend existing development** – It is proposed that the thresholds in Schedule 2 shall apply to the development as a whole once modified, and not just to the change or extension. It is also proposed to add a new provision that will

require any change or extension to an existing or approved Schedule 1 project to be screened for the need for EIA where the change or extension is not a Schedule 1 development in its own right.

- **Reasons for negative screening decisions** – A new provision will make it clear that where the Secretary of State issues a screening direction or a planning authority a screening opinion that EIA is not required (ie a “negative screening decision”), they shall make available their reasons for that conclusion, as they already do when EIA is required.
- **Multi-stage consents** – It is proposed to remove a provision which goes beyond the requirement of the Directive (ie “gold plating”) which was inadvertently introduced through the 2008 amending Regulations. It applies to multi-stage consents (eg applications for outline planning consent and the subsequent application for approval of reserved matters). There is currently an unintentional requirement for public consultation on the ES at each stage, even where the ES produced at the outline stage satisfies the requirements of the EIA Regulations at the later stage – this is to be removed.
- **Other changes** – It is also proposed to make a small number of other changes to generally update the Regulations and address minor drafting issues. These include a proposed amendment to the threshold and criteria for wind farms and the removal of the criminal offence provision where an applicant is required to publicise an environmental statement. There is also a requirement to add new categories of development to Schedules 1 and 2 to the Regulations to take account of amendments made to the EIA Directive regarding the geological storage of carbon dioxide.

It is proposed to cancel Circular 02/99 and replace it with update guidance shortly after the new Regulations come into force.

3.8 CLG set a number of questions for consultees to respond to when commenting, and these are set out in the Appendix to this report. The matters covered are as follows –

- Q1 and Q2 concern changes or extensions for existing development, necessary because of the High Court judgement in the “Baker” case.
- CLG propose to update guidance on directions by the Secretary of State (SoS) (in Regulation 4), to explain how planning authorities can request the SoS to consider a screening direction for projects that are described in Schedule 2, but are not Schedule 2 development as they fail to meet the relevant criteria or thresholds, and explain how third parties can make representations to authorities where they feel an EIA is required (see Q3).
- Where the thresholds in Schedule 2 make reference to “proposed development”, “area of any new building”, “new floorspace” etc, it is anticipated that difficulties may arise when interpreting the thresholds for a change or extension. To help clarify the application of the Schedule 2 thresholds to changes or extensions it is proposed to add a proviso that disappplies the concept of “new” in relation to the existing or approved development that is being modified (see Q4).
- Q5 concerns the need (if any) to amend Schedule 3 (selection criteria for screening Schedule 2 development) and Schedule 4 (information for inclusion in ESs). CLG considers that as the Regulations already require an ES to address not only direct (but also indirect and cumulative) effects, there is no need to change these Schedules.

- Q6 concerns the proposed requirement for reasons to be given for all screening opinions/directions.
- Q7 concerns criteria and thresholds for wind turbines, it is proposed to increase the threshold criteria for total height (including the rotor blade) from 15 to 18m.
- Q8 concerns the draft impact assessment of the proposed changes to the Regulations.

<b>Non-Applicable Sections:</b>	Policy, Financial, Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	The Town and Country Planning (Environmental Impact Assessment) Regulations 2010 – Consultation on draft Regulations by DCLG, August 2010.

## Appendix

**Q1 Do you agree that applying the existing Schedule 2.13(a)(ii) thresholds to Schedule 1 development as *changed or extended* will always trigger the threshold and hence require screening?**

Yes

**Q2 Do you agree that, in light of the Baker judgement, all changes or extensions to Schedule 1 development should be screened for any likely significant effects on the environment?**

Yes

**Q3 Do you have any comments on what information the guidance should provide for planning authorities and third parties?**

The discretion that local planning authorities have to request technical assessments and other material to accompany planning applications is relevant where an EIA is not required, and enables consideration of environmental impacts without the submission of a formal EIA.

**Q4 Do you agree that disapplying “new” will help to clarify the Regulations as they apply to changes or extensions?**

Yes, this would seem to clarify the law.

**Q5 Do you agree that no changes are needed to Schedules 3 and 4 of the 1999 EIA Regulations?**

Yes

**Q6 Do you have any comments on the requirement in draft regulation 4(5) and (7) for reasons to be given for all screening opinions/directions, as set out in Annex B?**

No

**Q7 Do you have any comments on the proposed rewording of the criteria in Schedule 2.3(i), and the proposal to increase the threshold from 15 to 18 metres?**

No

**Q8 Do you have any comments on the draft impact assessment contained at Annex E of this paper. In particular:**

- (a) Are the key assumptions used in the analysis in the impact assessment realistic? If not, what do you think would be more appropriate and do you have any evidence to support your view?
- (b) Have any significant costs and benefits been omitted? If so, please give details including any groups in society affected and your view on the extent of the impact.
- (c) Have any significant risks or unintended consequences not been identified? If so please describe.
- (d) Do you think there are any groups disproportionately affected?

No.

Report No.  
DRR10/00108

London Borough of Bromley

PART 1 - PUBLIC

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Decision Maker: **Development Control Committee**

Date: **14<sup>th</sup> October 2010**

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

**TITLE: ALL LONDON GREEN GRID**

Contact Officer: Alister Hayes, Planner  
Tel: 020 8461 7808 E-mail: alister.hayes@bromley.gov.uk

Chief Officer: Bob McQuillan

Ward: All

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1. Reason for report

To inform members of the Design for London proposal to extend the East London Green Grid to the whole of London. The approach provides an opportunity to identify, protect and manage green space and enhance green infrastructure jobs and skills training. The All London Green Grid will support the development and implementation of London Plan policy, the preparation of Supplementary Planning Guidance (SPG) to the London Plan, produce a delivery strategy and guide the production of the LB Bromley Local Development Framework.

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2. **RECOMMENDATION(S)**

To support the proposed All London Green Grid through the production of a Borough-wide framework that can form a basis for external funding.





### 3. COMMENTARY

#### All London Green Grid vision

- 3.1 The various and unique landscapes of London are recognised as an asset that can reinforce character, identity and environmental resilience. Delivered alongside existing infrastructure such as transport, utilities and schools an enhanced network of green spaces or Green Infrastructure (GI) can serve to shape and support sustainable communities, respond to the challenges of climate change and deliver an improved quality of life.
- 3.2 The Green Grid approach provides a strategic framework for creating, improving, managing and maintaining high quality green infrastructure and promotes cycling and walking. This approach has been extremely successful in accelerating delivery in East London through the East London Green Grid (ELGG).
- 3.3 Design for London is proposing a London-wide Green Grid to make the capital a more attractive sustainable and prosperous city. The potential benefit to London's and Bromley's economy is significant and can be achieved through a range of outputs that respond to climate change, promote walking, cycling and accessibility, reduce environmental risks to make more sustainable business locations and shape and support growth more generally. The work will aid the production of the Bromley Local Development Framework and Core Strategy whilst provide co-ordination and possible funding for on-the-ground projects.

#### Green Grid Area partnerships

- 3.4 Design for London recommends that 12 GGA partnerships be established to provide the basic London framework from which Green Grid development and enhancement projects can be delivered. The proposed London's Downlands GGA includes all of the boroughs of Bromley, Croydon and Sutton except where there are existing Green Grid Areas of the Green Chain and the Wandle Valley. Links from London's Downlands with these other areas will be forged as will be with LB Bexley's part of the River Cray.
- 3.5 Each Area Framework should include mapped baseline information. Design for London will support the production of this information and will set the standard for the quality of the drawings through a Design Advisor to ensure that they are consistent across London.
- 3.6 The vision of the London's Downlands Area is:

*“to create a network of interlinked, multi-purpose open spaces with good connections to the places where people live and work, public transport, the Green Belt and to provide a richly varied landscape that will include diverse uses to appeal to all.”*

#### Strategic objectives

- 3.7 The London's Downlands Partnership will need to further develop the vision and programme objectives to take into account the changing policy context. The programme objectives to achieve the vision and maximise the benefits of the network include:
  - increasing access to open space
  - increasing access to nature
  - managing flood risk and urban heat
  - making sustainable travel connections
  - enhancing distinctive visitor destinations and boosting the visitor economy
  - promoting healthy living
  - enhancing green space and GI sector skills

- promoting sustainable food production
- promoting quality of design, management and maintenance
- enhancing heritage features and landscape character
- improving air quality.

3.8 A critical aspect of the London's Downlands framework will be to achieve a better understanding of the economic value of the multiple benefits provided by Green Infrastructure to determine the potential value of the open space network to London's economy through: reduction in environmental risks; improvements to health; enhancing local neighbourhoods; and the attractiveness of London as a place to live, work and visit.

3.9 The local authorities in the London's Downlands Area have formed a steering group to prepare and implement an Area Framework. The steering group has

- appointed a Chairman and lead organisation (Alister Hayes – LB Bromley)
- agreed make up of steering group, inviting any other relevant organisations (Parks Partnership Officer at LB Bromley, LB Croydon, LB Sutton, City of London, Downland Countryside Project)
- scheduled regular meetings (at least 6 a year whilst in development phase and then Quarterly once the framework has been completed).
- outlined initial strategic objectives
- agreed to apply for Design for London funding support for the production of an Area Framework by April 2011.
- Begun to outline a schedule of borough and community involvement to identify projects and for consultation.

#### **4. POLICY IMPLICATIONS**

4.1 Current policies in the UDP governing the protection and use of green open spaces in the Borough include: Policy G1 Green Belt, G2 Metropolitan Open Land, G8 Urban Open Space and many of the Natural Environment (NE) policies. The bring forward of a Green Grid Area framework will further support these policies and facilitate new policies and proposals to be reflected in the Core Strategy which is part of Local Development Framework.

4.2 Policy 2.18 of the draft replacement London Plan refers to Green Infrastructure as a multi-functional network of high quality green and open spaces that provide a wide range of benefits for people and wildlife. This includes public and private spaces, such as parks, gardens, greenways, walkways and cycle ways, allotments, cemeteries, trees, and natural habitats such as woodlands, grasslands and wetlands. It also includes techniques such as green roofs, green walls, and naturalistic drainage systems that aim to green buildings and the public realm.

#### **5. FINANCIAL IMPLICATIONS**

5.1 Bromley Council will receive up to £5,000 pa to cover costs associated with providing the chairman of the London Downlands area partnership.. The £10,000 production cost of the Design Guide will be paid for by Design for London. Subject to approvals, the LDA and consequent responsible agency will make available a significant amount of capital funding for the best performing projects in financial years 2011/12/13. The identification and prioritisation of projects via the development of GGA Frameworks will serve as an expression of interest for this fund. Following the completion of the Area Frameworks the partnership groups will be asked to prioritise a limited number of projects as a first phase of delivery. Each project will have its own delivery and funding strategy and will receive support form the Partner agencies to access funds from a range of sources.

<b>Non-Applicable Sections:</b>	Legal, Personnel
Background Documents: (Access via Contact Officer)	All London Green Grid Strategy Development Paper March 2010. Design for London / Greater London Authority. South East London Green Chain Plus Area Framework 2008

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Report No.  
DRR10/00107

London Borough of Bromley

PART 1 - PUBLIC

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Decision Maker: **Development Control Committee**

Date: **14<sup>th</sup> October 2010**

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

**TITLE: DEFERRAL OF WORLD HERITAGE BID**

Contact Officer: Alister Hayes, Planner  
Tel: 020 8461 7808 E-mail: alister.hayes@bromley.gov.uk

Chief Officer: Bob McQuillan

Ward: Darwin

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1. Reason for report

To inform the Committee of the UNESCO decision to defer the Darwin's Landscape Laboratory World Heritage nomination and to guide the way forward for the Darwin Partnership as co-ordinated and led by Bromley Council.

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2. **RECOMMENDATION(S)**

Members are recommended to:

- 2.1 Thank the parties involved in the Darwin Partnership for their significant and excellent contributions both to the World Heritage bid and to the local delivery of projects
- 2.2 Retain the Darwin Partnership in place as being the most effective means of protecting, managing and promoting the area
- 2.3 Support the continuation of Darwin's Landscape Laboratory on the UK's new Tentative List for World heritage status
- 2.4 Continue to apply for external funds for local initiatives and projects
- 2.5 Seek ways to protect the site through the UDP and forthcoming Local Development Framework



### **3. COMMENTARY**

- 3.1 Darwin's Landscape Laboratory (DLL), the bid selected by the UK government (Department for Culture, Media and Sport) for World Heritage status has been deferred by the UNESCO World Heritage Committee (WHC).
- 3.2 The evaluation process consisted of a site visit by 2 assessors from the advisory bodies to UNESCO. Together with desk top assessments, they helped form the recommendation to UNESCO that DLL should not be inscribed. The UK government disagreed with the details of this recommendation and with local partners developed a robust defence consisting of a letter from the UK ambassador to WHC delegates, a list of factual errors in the report was tabled, an information leaflet and preparation to answer questions at the Committee.
- 3.3 At its meeting of July 25th-August 3rd in Brasilia, Brazil the World Heritage Committee (WHC) announced that Darwin's Landscape Laboratory nomination was of the highest standard and was very strong in terms of protection, management and community engagement. Further analysis and work to develop the selection criteria was needed before the site could be considered for World Heritage designation. The DLL bid was the most debated proposal, taking nearly two hours. Whilst a formal record of the debate has yet to be released the following issues were discussed:
- How to recognise the heritage of science
  - Role of associative values
  - Too soon to open up the WH Convention to nominations of this type
  - Operational Guidance (of the WHC) doesn't cover such sites
  - International politics
  - Faith issues
  - Not the place where Darwin did most of his work
  - The nomination should not have had the name of an individual in the title
- 3.4 The Committee requested the World Heritage Centre to organize a meeting for deliberating on sites presenting Outstanding Universal Value, essentially on an associative basis. It is not known when this meeting would meet and report. The WHC also agreed to discuss the Expert Working Group 2008 on the Heritage of Science, at the next WHC in 2011. The recommendations of the working group and the proposed World Heritage Centre meeting could be influential for any future Darwin bid.
- 3.5 The application has not been refused, but in practical terms it means the proposal might be resubmitted within the next 5-10 years subject to work to be undertaken by UNESCO on their criteria and a decision by the Government to resubmit the site subject to Bromley support. A discussion with DCMS is proceeding to see how the nomination can be placed on the new UK Tentative List.

#### **The Way Forward**

- 3.6 The protection, presentation and management of the natural and built heritage remain ongoing concerns for the Council and it is suggested that the best way of maintaining an appropriate level of protection and management is to continue with the partnership that had formed to foster the bid for World heritage status. The Darwin Partnership is coordinated by Bromley Council and includes Downe Residents Association, English Heritage, the Wildlife Trusts, the Charles Darwin Trust, local landowners, schools, youth organisations and amenity groups. Successful local project delivery (including signage, Sunday bus service, interpretation, education activities for all Bromley schools, visitor management and parking controls) has been through external sources such as the

Heritage Lottery Fund and TfL and the intention would be to lever in more external funding through partnership working.

- 3.7 It is recognised by all parties involved in the Darwin Partnership that the DLL bid, whilst not resulting in inscription, has brought about a number of successful initiatives and projects. The local area’s protection, management interpretation, education and access should remain as the focus for an ongoing Darwin Partnership. The site could be re-named to distinguish it from the DLL bid and alternative designations and recognition by way of policy in the Borough’s forthcoming Core Strategy can be considered.
- 3.8 Making preparations for a new bid would only be considered if the WHC and its advisors had made clear progress towards changing their operational guidelines and were more receptive. There are advantages, however, in being retained on the UK’s Tentative List; this would be a material consideration when applications for development are made and thus would give some protection to the area over and above existing controls.
- 3.9 Many of the initiatives and projects carried out locally have been funded from external sources; it is expected that bids for external funding (eg HLF, TfL) will continue and that all future work can be kept within existing budgets.
- 3.10 It is recommended therefore that the partnership should continue but with a focus on local needs and requirements rather than preparing another bid. The 2009-14 DLL Management Plan and documents give an effective direction for the work but some of the WHS focussed wording and actions could be now relegated
- 3.11 The UK government’s view (as represented by DCMS) is that Down House and its surroundings are a uniquely valuable site for the World Heritage of science. The properties included are all well looked after by the local residents, English Heritage, the London Borough of Bromley and the Wildlife Trusts responsible, with good access and excellent information for visitors.

**4. POLICY IMPLICATIONS**

- 4.1 The landscape qualities can be recognised in the Bromley Core Strategy as an identified area.

**5. FINANCIAL IMPLICATIONS**

- 5.1 The Darwin Partnership has bought in significant external funding over many years including since 2009, £0.5m from Heritage Lottery, Landfill tax and Transport for London. This helped with the delivery of the World Heritage nomination rather than draw on Council funding. New external bids can be made with no impact on existing budgets.

<b>Non-Applicable Sections:</b>	Legal, Personnel
Background Documents: (Access via Contact Officer)	Nomination Document Management Plan 2009-14





### Corporate Policy

1. Policy Status: New policy. (amended)
  2. BBB Priority: Quality Environment.
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### 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 The Council's formal response to the Draft Replacement London Plan (DRLP) was agreed by the Development Control Committee on 1<sup>st</sup> Dec 2009 and the Executive on 9<sup>th</sup> Dec 2009.
- 3.2 A Draft Housing SPG produced primarily to inform the Examination in Public (EiP) was produced in August 2010 and the Council submitted officer level comments to the EiP on the 3<sup>rd</sup> September 2010.
- 3.3 The Council must however also formally submit comments in response to the consultation of the EiP draft Housing SPG to ensure that these are taken into consideration as part of the consultation process. It should be noted that the EiP draft housing SPG focuses on relatively few DRLP Policies and it is intended that a full version of the draft SPG will be published at the earliest opportunity following completion of the London Plan EiP and will be subject to full public consultation.
- 3.4 The officer level comments which were submitted to the EiP focus of five main subject areas;
- Housing supply target
  - Garden land development
  - The density matrix
  - Car parking
  - Quality and design.

The officer level comments are set out below.

#### 3.5 Housing Supply Target

In accordance with Para 1.1.12 of the EiP SPG, the London Borough of Bromley has provided further evidence to the EiP relating to the proposed housing target. A list of 6 sites which LBB consider unlikely to come forward within the next 10 years has been submitted to the GLA and it is requested that these sites be removed from the SHLAA for the purpose of calculating Bromley's monitoring target. In addition, the phasing of some of the sites in the Bromley Town Centre AAP has changed and they are now no longer expected to be delivered within the 10 year period. LBB has requested that these sites also be removed from the SHLAA for the purpose of calculating Bromley's target. The further evidence that Bromley has submitted suggests that Bromley's monitoring target in Table 3.1 should be reduced to 472. However, further analysis of local context and density has now also been carried out to reflect recent changes to PPS3 (removal of minimum density) and this evidence concludes that the monitoring target should be further reduced so that new development better reflects the local character.

#### 3.6 Garden Land Development

The inclusion of a definition of private garden land development within the SPG is supported, however, it is noted that the definition in Para 1.2.19 is not reflected in Para 1.2.21 which refers to presumptions against development on back gardens (rather than private garden land). Policy 3.5 of the DRLP will need to be amended to refer to a presumption against development on private garden land so that the SPG and DRLP Policy 3.5 are consistent.

#### 3.7 The Density Matrix

Section 1.3 of the EiP SPG gives guidance on Policy 3.4 Optimising Housing potential. The emphasis on optimising rather than maximising housing potential is supported.

Para 1.3.19 states that DRLP Policy 3.4 requires LDFs to develop policies in line with the SRQ approach and within the broad residential density ranges set out in Table 3.2.

LBB object to the inclusion of the minimum density of 35 units per ha within Table 3.2 for two reasons;

- The minimum density of 30 dwellings has been removed from PPS3 to allow local authorities to take the decisions that are best for them, and decide for themselves the best locations and types of development in their areas
- In an outer London context the constraints imposed by topography, tree cover, site size and configuration mean that it is not always possible to impose a minimum density without causing detriment to the existing environmental standards. This is particularly the case for small sites where existing street scene, massing, and design of the surrounding built environment are important determinants of appropriate density.

The removal of the minimum density from PPS3 allows Councils to decide the appropriate density levels and to require developments to go below the 30 dph figure wherever necessary. This will deliver a better mix of homes for the local community and would encourage more family homes. An analysis carried out by Bromley of the sites identified through the SHLAA would on this basis require a reduction in numbers allocated. The density matrix and the EiP SPG should be amended so that it is more appropriate for an outer London borough and so that it reflects the recent change to PPS3.

### 3.8 Car parking

The car parking standards in DRLP Table 6.1 include reference to the number of bedrooms. The EiP SPG states that all developments should conform to London Plan policy on car parking provision however; it includes an Annex (Annex 2.4) which shows the relationship between car parking provision, public transport accessibility and dwelling type. Whilst this approach is considered to be more flexible than DRLP Table 6.1, it does not take into consideration the requirements of PPS3 which states that Local Planning Authorities should develop residential parking policies, taking account of expected levels of car ownership, the importance of promoting good design and the need to use land efficiently. The DRLP and the EiP SPG should take account of this guidance.

### 3.9 Quality and Design

LBB consider that the use of standards as set out in Section 2 of the Draft EiP SPG is overly prescriptive and inappropriate for this type of document and also for the DRLP itself and duplicates advice contained elsewhere such as in the Building Regulations. Representations were previously made (in response to DRLP and draft Housing Design Guide) suggesting that these matters are more suitably considered at a local level. There is a concern that the use of minimum standards (for example for the provision of private outdoor space) may be used as a maximum standard and could therefore become counterproductive. Concerns are also raised regarding the implications on staff resources when checking the compliance of each application against the standards.

## 4. **POLICY IMPLICATIONS**

4.1 The draft alterations to the London Plan are the subject of an Examination in Public which is currently taking place. 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.

4.2 A full version of the Housing SPG will be published for formal consultation following the completion of the Examination in Public. The Housing SPG will not set new policies but will provide guidance on how to implement the policies in the DRLP once adopted.

<b>Non-Applicable Sections:</b>	Financial, Legal, Personnel
<b>Background Documents</b>	<p>The London Plan (Spatial Development Strategy for Greater London) Consultation draft replacement plan; October 2009.</p> <p>Report to DCC 1<sup>st</sup> Dec 2009 “Consultation on the Draft Replacement London Plan”</p>

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# Agenda Item 13

Report No.  
DRR10/00109

London Borough of Bromley

## PART 1 - PUBLIC

- Info on notices, orders or directions

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Decision Maker: **Development Control Committee**

Date: **14<sup>th</sup> October 2008**

Decision Type: Urgent Non-Executive Non-Key

**TITLE: THE IMPACT OF THE CONSTRAINTS IMPOSED BY GREEN BELT AND METROPOLITAN OPEN LAND DESIGNATIONS**

Contact Officer: Bob McQuillan, Contact Officer's Title Chief Planner  
Tel: 020 8313 4441 E-mail: bob.mcquillan@bromley.gov.uk

Chief Officer: Bob McQuillan

Ward: N/A

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1. Reason for report

This report was requested by the Chairman of Development Control Committee to enable Members to discuss this topic without reference to a particular planning application.

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2. **RECOMMENDATION(S)**

Members comments are requested.

Corporate Policy

N/A

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Financial

1. N/A
  2. N/A
  3. Budget head N/A
  4. Total budget for this head £N/A
- 

Staff

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

Legal

1. No statutory requirement or Government guidance
  2. Call-in is not applicable:
- 

Customer Impact

Estimated number of users/beneficiaries (current and projected) - N/A



### 3. COMMENTARY

- 3.1 Bromley is the largest London Borough in area and the fourth largest in terms of population. Around 50% of the Borough is designated Green Belt or Metropolitan Open Land. In Green Belt and MOL there is a presumption against inappropriate development.
- 3.2 Inappropriate development is set out in national guidance PPG2 on GREEN Belts, the LondonPlan and the UDP. The following is an extract from the UDP:

#### **POLICY G1**

Within the Green Belt, as defined on the Proposals Map, permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm.

The construction of new buildings or extensions to buildings on land falling within the Green Belt will be inappropriate, unless it is for the following purposes:

- (i) agriculture and forestry (unless permitted development rights have been withdrawn);
- (ii) essential facilities for outdoor sport and outdoor recreation and open air facilities and other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it;
- (iii) limited extension, alteration or replacement of existing dwellings;
- (iv) limited infilling or redevelopment in accordance with the guidance in PPG2 Annex C within the designated major developed sites at Biggin Hill Airport and Cheyne Centre, Woodland Way, West Wickham.

The material change of use of land, engineering and other operations within the Green Belt will be inappropriate unless they maintain the openness and do not conflict with the purposes of including land in the Green Belt.

The re-use of a building in the Green Belt will be inappropriate unless it meets all of the following criteria:

- (v) it will not have a materially greater impact than the present use on the open character of the land;
- (vi) use of the land surrounding the building and boundary treatments will not harm the openness of the land or conflict with the purposes of including land in the Green Belt;
- (vii) the building is of permanent construction and capable of conversion or re-use without extensive or complete reconstruction;
- (viii) the form, bulk and design of the building are in keeping with its surroundings;
- (ix) the proposed use does not entail external storage of materials, plant or machinery; and
- (x) the proposed use has no adverse effect on the recreational enjoyment or appearance of the countryside.

The openness and visual amenity of the Green Belt shall not be injured by any proposals for development within or conspicuous from the Green Belt which might be visually detrimental by reasons of scale, siting, materials or design.

- 3.3 The most significant change in Green Belt guidance in recent years was introduced by PPG2 when it was published in 1995. Until then “institutions in large grounds” had been within the classes of appropriate development. From 1995 they have been inappropriate. The main impact of this change has been in respect of schools and other educational establishments which were no longer to be regarded as appropriate development.
- 3.4 With 50% of the Borough Green Belt it is not surprising that many schools and educational establishments were located within it. As applications come forward for additional development on these sites it is now necessary to provide a convincing very special circumstances case. As each application has to be considered on its individual merits, the very special circumstances case will need to reflect the particular requirements of each proposal and address the impact of the development on the visual amenities and openness of the Green Belt/MOL.
- 3.5 In this respect, Members will be aware of the issues raised in the Langley Park School for Boys case and, in particular, the need for applicants to consider different siting options, depending upon the degree of harm caused by the development.
- 3.6 With regard to higher or further education establishments (such as universities and colleges), PPG2 advises that infilling and/or development associated with ‘major sites’ may be considered appropriate, provided the relevant criteria are met.

<b>Non-Applicable Sections:</b>	Policy implications; financial implications; legal implications; personnel implications
<b>Background Documents: (Access via Contact Officer)</b>	PPG2 Green Belts; London Plan; UDP

Report No.  
DRR10/00104

London Borough of Bromley

Agenda  
Item No.

PART 1 - PUBLIC

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**Decision Maker:**      **Development Control Committee**

**Date:**                      **14<sup>th</sup> October 2010**

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

**Title:**                      **MINOR ALTERATIONS TO THE CONSULTATION DRAFT  
REPLACEMENT LONDON PLAN :  
GYPSIES AND TRAVELLERS (INCLUDING TRAVELLING  
SHOW PEOPLE) AND AGGREGATES**

**Contact Officer:**      Gill Slater, Planner  
Tel: 020 8313 4477      E-mail: gill.slater@bromley.gov.uk

**Chief Officer:**              Bob McQuillan

**Ward:**                          N/A

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1.      Reason for report

The report outlines two minor alterations to the consultation draft replacement London Plan concerning

- Gypsies and travellers (including travelling show people), and
- aggregates.

The minor alterations were published in September and the deadline for the response to the consultation is 25th October 2010.

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2.      **RECOMMENDATION(S)**

Members of Development Control Committee are asked to agree the response to the London Mayor on the minor alteration to the draft Replacement 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 In September the Mayor published the current minor alteration to the draft London Plan relating to Gypsies & Travellers (including travelling show people), and Aggregates.

3.2 The Mayors intention to make these alterations was highlighted to Development Control Committee in August. With regard to the Aggregates Policy the revised targets, only apply to six boroughs (Havering, Redbridge, Ealing, Hillingdon, Hounslow, Richmond).

#### **Background to the current minor alteration in respect of Gypsies & Travellers (including travelling show people)**

3.3 Negotiations in respect of Gypsy and Traveller pitch provision occurred both before and after the publication of the draft London Plan (October 2009). During the consultations Bromley has consistently and successfully argued for reductions in the Bromley targets. Prior to the draft London Plan publication, the London Borough's Gypsy & Traveller Accommodation Needs Assessment (GTANA) had suggested a need of 119 pitches (for the period 2007 – 2017) for Bromley, far in excess of other borough requirements. Following robust objection this figure was reduced to 58 pitches in the draft London Plan (Oct 2009).

3.4 The Council continued to object strongly to this figure of 58. Two of the main points of objection related to the assumptions behind the derivation of the need figure, which:

- included a significant proportion for those currently housed but with a “psychological aversion” to bricks & mortar accommodation.
- was based on the contention that need should be met where it arises, (with little weight given to the capacity of boroughs to provide sites). This would exacerbate the existing concentration of pitches within particular boroughs, notably Bromley.

3.5 In March 2010 the Mayor published a Minor Alteration to Policy 3.9 reducing the requirement for Bromley to 17 pitches. This March alteration and was welcomed, since it addressed both of the key objections Bromley had raised:

- reducing the figures by discounting the demand relating to psychological aversion and,
- giving a greater weight to capacity than to need.

#### **The current minor alteration**

3.6 The current (September) minor alteration in relation to gypsies & travellers involves the deletion of Policy 3.9 and the borough targets therein. Provision for gypsies & travellers & travelling show people is now proposed to be incorporated within the “Housing Choice” policy, Policy 3.8 which states that boroughs should ensure that

*“the accommodation requirements of gypsies & travellers (including travelling show people) are identified and addressed in line with national policy, in coordination with neighbouring boroughs”.*

3.7 The alteration states that setting strategic targets for pitches within the London Plan “is not the most effective or fair way to deliver real improvements in the provision of pitches for gypsies, travellers or travelling show people.” As reason for the change the alteration states that there is “no evidence that a target-based approach would help deliver additional pitch provision... and there was a real risk that they were becoming to be seen as ends in themselves... a distraction from the bigger picture”.

3.8 Strategic targets have therefore now been removed and boroughs “will be responsible for determining the right level of site provision, reflecting local need and historic demand, and for bringing forward land in DPD’s. They should continue to do this in line with current policy”

although the policy acknowledges that the “Government intends to review relevant regulations and guidance on this matter in due course”

- 3.9 Without a draft London Plan target it will fall to boroughs to address LDF pitch allocations or enforcement action against unauthorised sites with reference to “local need and historic demand”.

**Suggested response to the Minor Alteration**

- 3.10 Bromley objected strongly to the draft London Plan policy and the Bromley target of 58 additional pitches and as such the deletion of that specific target is supported.
- 3.11 Bromley welcomes the acknowledgement that pitch allocations are best addressed locally, however, the Mayor’s previous amendment (March 2010) had addressed Bromley’s local concerns reducing the target to 17 pitches and ensuring that the responsibility for gypsies and travellers pitch provision was borne across the Capital. There is concern that the September minor alteration fails to acknowledge pitch provision as a London wide issue, requiring instead that levels of site provision “reflect local need and historic demand”. This effectively returns to a policy which seeks to meet needs where they arise. This may lead to a situation where boroughs capable of accommodating pitches but who have historically provided very few pitches will continue to avoid making provision and instead undue pressure for additional pitches will fall on London Boroughs already accommodating a greater proportion of London’s Gypsies & Travellers.
- 3.12 Bromley welcomes the removal of references to provision for those with a “psychological aversion” to living in bricks and mortar accommodation. This theoretical need was overstated in the London Boroughs Gypsy & Traveller Needs Assessment (2008) and produced unrealistically assessments of Borough needs.
- 3.13 As the policy acknowledges the Government intends to review relevant regulations and guidance. Until the new regulations and guidance are published it is difficult to assess the impact of the proposed alteration to the London Plan on individual London Boroughs.

**4. POLICY IMPLICATIONS**

- 4.1 The draft alterations to the London Plan are the subject of an Examination in Public (EiP) which is taking place between Sept- Oct 2010. However, due to the timing of this minor amendment the matter of Gypsy & Traveller provision has been re timetabled for December 2010. Following the EiP, 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.

<b>Non-Applicable Sections:</b>	Financial, Legal, Personnel
<b>Background Documents</b>	The London Plan (Spatial Development Strategy for Greater London) Consultation draft replacement plan; October 2009.  London Borough’s Gypsy & Traveller Accommodation Needs Assessment (March 2008)

	<p>Minor alteration to the consultation draft replacement London Plan - Draft Policy 3.9 Gypsies and Travellers (including travelling show people) (March 2010)</p> <p>Minor alterations to the consultation draft replacement London Plan - Gypsies and Travellers (including travelling show people) and Aggregates (September 2010)</p>
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Report No.  
DRR10/00105

London Borough of Bromley

PART 1 - PUBLIC

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Decision Maker: **Development Control Committee**

Date: **14<sup>th</sup> October 2010**

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

**TITLE: THE SETTING OF HERITAGE ASSETS: ENGLISH HERITAGE GUIDANCE**

Contact Officer: Jacinta Fisher, Conservation Planner  
Tel: 020 8313 4664 E-mail: [jacinta.fisher@bromley.gov.uk](mailto:jacinta.fisher@bromley.gov.uk)

Chief Officer: Bob McQuillan

Ward: n/a

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## 1. Reason for report

English Heritage have released a draft guidance document entitled 'The Setting of Heritage Assets' for consultation. The consultation questions asked by English Heritage in response to this document are set out in Appendix 1 of this report along with the proposed response from the Council (in italics). The response has to be submitted to English Heritage by the closing date of 26 November 2010. Copies of the document are available in the Members room or online at [www.english-heritage.org.uk](http://www.english-heritage.org.uk)

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## 2. RECOMMENDATION

Members are requested to note the details of the consultation document and agree the responses to the consultation questions which can be found in Appendix 1 of this report.



### 3. COMMENTARY

- 3.1 The English Heritage guidance for *Setting of Heritage Assets* has been written as a companion document to the new Planning Policy Statement 5 – *Planning for the Historic Environment* and the associated English Heritage *Historic Environment Planning Practice Guide*.
- 3.2 The aim of the guidance is to ensure that judgments made about the contribution of setting to the significance of heritage assets and about the implications of change are as objective and consistent as possible, reducing conflict and delay in decision making. The draft guidance is intended to be read in conjunction with English Heritage’s ‘*Conservation Principles, Policy and Guidance*’ (2008) and with other English Heritage guidance on the related topics of historic characterisation and building in context. It should also be read in conjunction with English Heritage’s forthcoming guidance on historic views entitled ‘*Seeing the History in the View*’
- 3.3 The guidance sets out the English Heritage position on:
- the definition of setting;
  - the contribution that setting makes to the heritage significance of places; and
  - assessing the implications of changes to setting.
- 3.4 The guidance also provides detailed advice in the interpretation of setting in relation to other policy, regulation and guidance, all of which have an impact on the historic environment.
- 3.5 The heritage significance of places derives not only from their physical presence, but also from other attributes including their relationship with their surroundings, particularly their setting. Setting is an issue that can be difficult to define. The document explains the concept of setting and how it can affect Heritage Assets. As such, once this document is adopted, the concepts of setting and protecting settings of heritage assets should be incorporated into new Conservation Area Statements. In this way, more detailed local guidance on potential cumulative impacts on Conservation Areas can be given.

### 4. POLICY IMPLICATIONS

- 4.1 Policy BE8 (Statutory Listed Buildings) in the UDP are used in reference to applications for development involving a listed building or its setting. The guidance published by English Heritage will assist in the interpretation of setting embodied in that policy.

<b>Non-Applicable Sections:</b>	Financial Implications, Legal Implications, Personnel Implications
Background Documents: (Access via Contact Officer)	The setting of heritage assets: English Heritage Guidance, Consultation draft 2010

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# Appendix 1

## Consultation Questions posed by English Heritage (*Bromley's proposed response in Italics*)

1. The English Heritage draft guidance is intended to assist the implementation of the policies and guidance on setting in Planning Policy Statement 5: Planning for the Historic Environment and the Historic Environment Planning Practice Guide.

(1a) Do you consider that this English Heritage guidance on setting conforms to the Government's policies and guidance in the PPS and Practice Guide?

*Yes, the guidance and principles have informed the writing of this document.*

(1b) If not, can you explain how it diverges?

*N/A*

(1c) Do you consider that it will assist implementation of the Government's new policies and guidance?

*The guidance is intended to back up policy HE10 from PPS5 in decisions where a proposed development affects the setting of a Heritage Asset particularly in cases where the development is not located in the grounds or immediate vicinity. The effectiveness of the guidance is weakened however by being issued separately from other guidance documents previously issued on protection of heritage assets; it is also too long and repetitive. It is yet more guidance for applicants and others involved in development to read and understand as part of the assessment of a planning or listed building consent application; many applicants may not be aware of it and may not read it.*

*The guidance generally being issued by English Heritage has become confusing and verbose existing as it does in several separate lengthy documents. The Government's (and local authorities') policies would be better served if the guidance was simplified, made more concise and consolidated into one document rather than being issued in a piecemeal fashion in several publications.*

2. The English Heritage setting guidance applies the heritage values approach advocated in *Conservation Principles, Policy and Guidance* to the consideration of setting.

(2a) Do you think this approach is helpful and that it is successfully achieved within the draft guidance?

*Basing the English Heritage setting of heritage assets document on the Conservation Principles ensures consistency in decision making and will help in producing guidance for the historic environment.*

(2b) If not, what alternative approaches would you suggest?

*N/A*

3. The English Heritage setting guidance is intended to cover a wide range of circumstances, from large scale infrastructure projects to more common types of

development and for initiatives such as conservation area management plans. We have drafted our guidance to cover the generality of setting issues applying to such circumstances. We have avoided additional technical guidance specific to particular types of development such as tall buildings and wind turbines, as this is included in the specific guidance we offer on these development types.

- (3a) Do you agree with this approach and, if so, have we struck the right balance to ensure our draft guidance applies to the majority of circumstances?

*The approach is correct; however, the document repeats information covered in other guidance and takes time to get to the point which does not encourage everyday use. Having another companion document to PPS5 and the Conservation Principles is confusing. The document would have been better included as a concise appendix to the Practice Guide of PPS5.*

*The document is helpful insofar as it gives an explanation of types of impacts to setting of Heritage Assets and the importance of the setting to the significance of those Heritage Assets.*

- (3b) Are there additional issues that you consider should be included in specific guidance on particular kinds of development?

*A brief explanation of how good design and materials may have a positive impact on the setting of a Heritage Asset could be included within the document. Design and materials are factors that contribute towards the impact (positive, neutral or negative) that a development may have on the setting of a Heritage Asset.*

4. In Section 3 (paragraphs 42 to 62) of the draft guidance we set out, as an assessment framework, issues that we consider may need to be taken into account in assessing the impact on the significance of a heritage asset of changes within its setting.

- (4a) Do you agree that these are the correct factors to consider?

*The proposed assessment framework contains the correct factors to consider. Much of this section however repeats paragraphs from PPS5, the planning legislation and the Conservation Principles document. This section may be more effective if it were to paraphrase the information and cross reference back to the original document rather than just repeating paragraphs from other documents.*

- (4b) If not, can you suggest which factors should not be considered or which additional factors should be?

N/A

- (4c) Do you agree that the questions posed in paragraph 49 are a helpful way of structuring the assessment framework?

*The questions posed in paragraph 49 provide a basic initial basis for an analysis of the impact of development on the setting of Heritage Assets. The concern is that the questions posed invite very short answers and as such may not be able to provide the detail required to fully assess this issue. It is also a concern that the requirement for yet another statement to accompany an application may be onerous and that it should somehow be incorporated into the current requirement for a Design and Access Statement or into the current requirement for a statement under policy HE6 of PPS5.*

*The Setting of Heritage Assets document would be better integrated into the PPS as it is difficult to ask agents/applicants to provide all the required statements. It would work more effectively if this extra statement were to be integrated into an existing process.*

*The guidance does not include a method for deciding which proposals may need this statement. It appears that this process will need to be followed for all applications to decide if the proposal will affect the heritage asset or not.*

5. In paragraphs 55 to 58 of the draft guidance we discuss the issue of cumulative impacts in relation to setting.

(5a) Do you have views on the practicality of the approach suggested in paragraph 58? We would particularly welcome views from Local Planning Authorities.

*Paragraph 58 highlights the need to look at the bigger picture when making decisions that affect the setting of Heritage Assets. For example, it may require one planning officer to deal with a whole area such as a town centre. It may also mean that methods for checking what new development is proposed in the vicinity of any Heritage Asset should be developed (including Conservation Areas) in the immediate vicinity of the application site. Such an approach would be necessary to have consistency in planning decisions.*

*Devising such an approach may be difficult however there would need to be a proper system for checking what is proposed at present and what had been permitted in the past.*

*The document has also highlighted the need to elaborate on reasons for approval as well as refusal on Planning Applications and Listed Building Consent Applications.*

6. In Appendix 1 of our guidance (paragraphs 63-74), we provide illustrated examples of how setting can contribute to the heritage values and significance of a heritage asset, structured around a range of questions. These are not intended to provide examples of good or bad development within the setting of an historic asset, but rather to illustrate how an analytical approach to setting can provide better understanding.

(6a) Do you think this approach is helpful?

*It would be more helpful to have more 'normal' examples in the document. The examples included in the guidance relate to extraordinary places/situations and do not cover everyday circumstances. Particular kinds of development that could have been illustrated include the impact of development on rural conservation areas/listed buildings etc, the impact of development on suburban conservation areas and the impact of tall buildings in smaller town centres.*

(6b) Do you have comments on the appropriateness and usefulness of any particular example?

*The examples shown are exceptional circumstances and would not apply to most boroughs and as such would not apply to many day to day situations for development affecting the setting of Heritage Assets.*

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