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DATE: 21 June 2011

To: Members of the  
**DEVELOPMENT CONTROL COMMITTEE**

Councillor Peter Dean (Chairman)

Councillor Charles Joel (Vice-Chairman)

Councillors Douglas Auld, Eric Bosshard, Katy Boughey, Lydia Buttinger, John Canvin, Simon Fawthrop, Peter Fookes, John Ince, Russell Jackson, Kate Lymer, Mrs Anne Manning, Russell Mellor, Alexa Michael, Richard Scoates and Pauline Tunnickliffe

A meeting of the Development Control Committee will be held at Bromley Civic Centre on **THURSDAY 30 JUNE 2011 AT 7.30 PM**

MARK BOWEN  
Director of Resources

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 19 APRIL 2011**  
(Pages 3-16)

**4 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

To hear questions received in writing by Democratic Services Team by 5 pm on Friday 24 June 2011 and to respond.

**5 PLANNING REPORTS (Pages 17-30)**

Ward	Application Number and Address of Development
Plaistow and Sundridge	(10/02308/FULL1) - Sundridge Park Management Centre Ltd, Plaistow Lane, Bromley.

**6 DRAFT REPLACEMENT LONDON PLAN EIP PANEL REPORT SUMMARY (Pages 31-38)**

**7 RELAXATION OF PLANNING RULES FOR CHANGE OF USE FROM COMMERCIAL TO RESIDENTIAL: RESPONSE TO GOVERNMENT CONSULTATION (Pages 39-44)**

**8 PROPOSALS FOR A MAYORAL COMMUNITY INFRASTRUCTURE LEVY: CONSULTATION ON DRAFT CHARGING SCHEDULE (Pages 45-50)**

**9 DRAFT PLANNING POLICY STATEMENT "PLANNING FOR TRAVELLER SITES": RESPONSE TO GOVERNMENT CONSULTATION (Pages 51-68)**

**10 LOCAL DEVELOPMENT FRAMEWORK: ENERGY REDUCTION AND RENEWABLE ENERGY (Pages 69-72)**

**11 SECTION 106 AGREEMENTS: UPDATE AND S106 PDS WORKING GROUP MONITORING (Pages 73-88)**

**12 UPDATE: PLANNING LEAFLETS AND INFORMATION FOR THE PUBLIC (Pages 89-92)**

**13 BIGGIN HILL HERITAGE CENTRE WORKING PARTY (Pages 93-96)**

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## DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 19 April 2011

### Present:

Councillor Alexa Michael (Chairman)

Councillors Reg Adams, Douglas Auld, Eric Bosshard, Katy Boughey, Lydia Buttinger, Peter Dean, Robert Evans, Simon Fawthrop, Peter Fookes, Ellie Harmer, John Ince, Russell Jackson, Mrs Anne Manning and Russell Mellor

### Also Present:

Councillors John Carvin and William Huntington-Thresher

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

Apologies for absence were received from Councillors Charles Joel and Will Harmer; Councillors Robert Evans and Ellie Harmer attended as their alternates respectively. Apologies for absence were also received from Councillors Paul Lynch and Richard Scoates.

#### **97 DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **98 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 8 MARCH 2011**

Page 5, paragraph 7, 3<sup>rd</sup> line down - Appendix 1 - Bromley in 2025 - the reference to "40 conservation areas..." should read "40+ conservation areas...".

Page 7, paragraph 6, 7<sup>th</sup> line down - Clock House, Elmers End and Eden Park - the words "Clock House, Elmers End and Grove Park....." be amended to read "Clock House, Elmers End and Eden Park....".

Page 10, paragraph 4 - Hayes - It should be emphasised that Councillor Mrs Anne Manning requested a copy of the document to enable her to submit amendments and comments back to the Chief Planner.

Page 10, paragraph 5 - Hayes - Reference to the six bus routes being inaccurate should be amended to refer to the inaccuracy of the six bus route destinations.

**RESOLVED that subject to the above amendments, the Minutes of the meeting held on 8 March 2011 be confirmed and signed as a true record.**

**99 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

No questions had been received.

**100 PLANNING REPORTS**

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

1. CRAY VALLEY EAST WARD	(10/03086/FULL1) 4 two storey and 3 two/three storey blocks comprising 6 two bedroom and 25 three bedroom houses and 6 one bedroom and 2 two bedroom flats with 3 garages and 55 car parking spaces, bicycle parking, refuse/recycling storage and electricity substation at <b>Invicta Works, Chalk Pit Avenue, Orpington.</b>
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At a Plans Sub-Committee meeting held on 17 March 2011, the above application was deferred on the grounds of layout and design and to seek further information regarding financial viability. Following negotiations, the applicant had offered a payment in lieu of £175,000 for affordable housing.

Oral representations in support of the application were received from the agent acting on behalf of the applicant.

The site had stood vacant for many years and had been marketed for some time. The applicants had sought to acquire the site in 2010.

In response to a question as to why affordable housing could not be provided, Members were informed that issues of contamination had been identified during the viability assessment. The assessors had therefore concluded that on-site provision of affordable housing was less beneficial than payment in lieu. The site did have an alternative use value should the current application be refused.

Education and PCT payments had been modelled into a separate viability appraisal.

Members requested that the Section 106 agreement be formulated to reflect changes in the economy, and for the applicant to undertake an 'open book' approach throughout the development process to enable the Council to monitor viability during 'peaks and troughs' in the economy.

A late letter of objection had been received from the residents of 25 Chalk Pit Avenue who were frustrated at not being notified of the application. The Chief Planner responded that residents in Andrew's Close and those in accommodation leading up to Main Road had been informed and that a press notice and site notice had been also issued. The application had therefore

been properly advertised. Unfortunately it was not possible to notify all residents in the surrounding areas.

The late objections also referred to issues which had previously been considered at the Plans Sub-Committee meeting held on 17 March 2011.

Comments from Ward Members, Councillors McBride and Fortune, in support of the application had been received. Councillor McBride referred to the site's history of nuisance and commented that the site was often used as a dumping ground, causing problems for nearby residents. He considered that the proposed development would improve and secure the site. Councillor McBride was in favour of accepting the payment in lieu of affordable housing.

Councillor Fortune fully endorsed Councillor McBride's statement.

Councillor Ince accepted in principle that affordable housing was not appropriate for the site, but commented that there were sufficient affordable housing sites within the vicinity of the proposed development.

Councillor Ince moved that permission be granted. Councillor Fawthrop seconded the motion subject to cascading arrangements on viability being incorporated into the Section 106 Agreement, and that the applicant comply with an 'open book' approach throughout the development process.

The Chief Planner circulated a layout of the proposed development and confirmed that the vast majority of gardens would be in excess of 10 metres except those situated on a curve which would be slightly less than 10 metres.

Councillor Fawthrop requested that staged payments be made a condition of the Section 106 Agreement.

Members having considered the report, objections and representations **RESOLVED that PERMISSION BE GRANTED SUBJECT TO A SECTION 106 LEGAL AGREEMENT TO SECURE PAYMENT IN LIEU FOR AFFORDABLE HOUSING** as recommended, subject to the conditions and informatives set out in the report of the Chief Planner with the following to be incorporated into the Section 106 Agreement:-

- 1) payments to be made in stages;
- 2) payment linked to economic climate.

2. CRAY VALLEY EAST WARD	(11/00426/FULL1) Demolition of existing garages and construction of a terrace of 4 two storey, 2 bedroom dwellings with associated parking on land adjacent to Invicta Works at <b>Invicta Works, Chalk Pit Avenue, Orpington.</b>
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At a Plans Sub-Committee meeting held on 31 March 2011, the above application was deferred to be considered at Development Control Committee

in conjunction with the previous application outlined above. A street scene elevational drawing had also been requested and had since been received.

Comments from Ward Members, Councillors McBride and Fortune, in support of the application had been received. Councillor McBride referred to the site's history of nuisance and commented that the site was often used as a dumping ground, causing problems for nearby residents. He considered that the proposed development would improve and secure the site.

Councillor Fortune fully endorsed Councillor McBride's statement.

Councillor Buttinger requested that a further condition be included to require the applicants to provide details of the type of surfacing material to be used for the hardstanding situated at the front of the houses.

The Chief Planner informed Members that several gardens would be less than 10 metres in depth due to access arrangements being gained via the rear of two properties and to the side of one property.

Councillor Fawthrop considered the off-street parking provision to be insufficient, particularly as the site was situated in an area with low public transport accessibility levels.

Councillor Fawthrop moved that the application be deferred to negotiate a reduction in the number of units in order to incorporate additional off-street parking facilities.

Councillor Mrs Manning noted that landscaping had not been mentioned within the report and requested that the provision of landscaping be negotiated with the applicant.

Councillor Jackson seconded the motion for deferral.

Members having considered the report and objections, **RESOLVED that the application be DEFERRED** without prejudice to any future consideration to address issues concerning off-street parking, landscaping and density and for the application to be submitted to a future meeting of either Plans Sub-Committee 2 or 4.

## **101 CORE STRATEGY - FURTHER EIGHT AREA PEN PORTRAITS**

In January 2011, the Local Development Framework Advisory Panel (LDFAP) endorsed the approach taken on the development of a Core Strategy Issues Document. The LDFAP also requested that Development Control Committee consider the developing Bromley Borough area pen portraits and overall structure and approach of the document, which would be issued for consultation purposes in preparation for the development of Bromley's Core Strategy. The Core Strategy would form the principal policy within the suite of documents constituting the Local Development Framework (LDF).

On 8 March 2011, Members considered 13 of the 21 area pen portraits (Minute 88). A further three area pen portraits were e-mailed separately to Members but were not considered at that meeting.

Members were now asked to consider the final five area pen portraits together with the three previously circulated at the meeting held on 8 March. Members' views and suggested amendments are set out below.

*Biggin Hill (page 45)* - No comments/amendments received.

*Bromley Town (page 49)* - The words "to London" should be deleted from the first line of the second paragraph.

Councillor Mrs Manning would send comments/amendments direct to the contact officer.

It was noted that the use of an apostrophe in reference to 'GP's/doctor's [sic] surgeries' should be removed throughout the entire document.

*Chelsfield, Green Street Green and Pratts Bottom (page 55)* - With reference to Green Belt land, Ward Member Councillor Jackson commented that it would be helpful to allude to Glentrammon Recreation Ground and 'The Green' at Green Street Green.

Under the heading 'Key Issues and Main Opportunities', it should be reported that Green Street Green was in close proximity to Orpington Town Centre.

The importance of the viability of village life should be emphasised.

With regard to demography and community, Councillor Jackson disputed that the majority of housing consisted of family homes; there was no shortage of smaller accommodation for elderly residents and single people.

The impact on commuting and parking in and around the area should be noted.

It was agreed that the land at Fort Halstead (referred to in paragraph 5, page 61) should be alluded to but would not be referred to as a point of consultation.

*Darwin and Green Belt Settlements (page 59)* - Councillor Mrs Manning would send comments/amendments direct to the contact officer.

It was noted that Wickham Court (referred to in paragraph 2, page 59) and the former All Saints (John Rigby) Secondary School (referred to in paragraph 1, page 61) were both situated within Coney Hall, not in Darwin.

*Eastern Green Belt (page 64)* - Councillor Ince emphasised the need for strong legal action to be pursued against anyone who destroyed woodlands within the area.

It was also noted that certain parts of the area were populated by the Traveller community.

*Orpington, Ramsden and Goddington (page 68)* - Ward Member Councillor Huntington-Thresher requested that the title of the area pen portrait be changed to read:- "Orpington, Goddington and Knoll" as Ramsden Estate was slowly becoming non-existent and could no longer be deemed as an entity in its own right.

The reference to "playing fields" on page 68 should incorporate Grassmeade Recreation Ground and the protected area between Burwood School and Blenheim Primary School.

Under 'Demography & Community', the report stated that income in the area tended to be lower than the Borough average, whereas in the following paragraph under 'Business and Employment' it stated that the area had an average household income that was close to that of the Borough average. Councillor Huntington-Thresher requested that the inconsistency of the two statements be addressed. In addition, Councillor Huntington-Thresher suggested that rather than reporting averages, a truer reflection of areas could be gained by reporting the dichotomy of areas.

Ward Member Councillor Buttinger supported Councillor Huntington-Thresher's comments. Councillor Buttinger commented that two conservation areas had been omitted from the area pen portrait and emphasised the importance of protecting conservation areas and maintaining the openness of the land.

The impact on residents regarding parking issues around commuting and the town centre should be addressed.

Shops should be encouraged to provide services required by residents.

*Petts Wood and Poverest (page 73)* - Ward Member Councillor Auld, observed that the area of Poverest had not been referred to throughout the report, even though it formed part of the pen portrait title.

Councillor Auld reported the following:-

- The difference between ward boundaries and constituency boundaries was somewhat confusing.
- In garden suburbs there should be a presumption against back garden development.



- The reference to River Ravensbourne flowing through the area (page 73, final paragraph) was inaccurate. The sentence should be amended to read "The Kyd Brook flows through the area and although it is mostly culverted, there is some flood risk."
- Willett Recreation Ground should be highlighted, together with the sports facilities available ie. tennis and cricket.
- Under the heading 'Business and Employment', there are two areas of business, namely Station Square and Queensway. The number of eating establishments, both eat-in and take-away, should be reported.
- Facts pertaining to rail travel should be updated.
- Issues around commuter parking should be addressed.
- It was the desire of Petts Wood residents and all three Ward Members that the issue of side space be strictly monitored to ensure it is kept to a minimum of 1 metre generally, with a wider side space achieved, where appropriate, in conservation areas and areas of special residential character.
- The number of licensed premises should be limited to the number of existing premises.

Councillor Fawthrop suggested that the title of the area pen portrait should be changed to "Petts Wood and Surrounds".

Councillor Bosshard reported that there were three supermarkets and more than three GP surgeries in the area.

Referring to the final paragraph on page 74, Councillor Evans reported that there were six other schools and questioned the need to highlight that extra provision could be made available at Southborough School.

Paragraph 5 on page 74 stated that the Turpington Estate was situated on the western boundary. Turpington Estate is, in fact, situated squarely within Bromley Common.

The Coppice Estate should be highlighted as a working class area built during the inter war period and located on the western boundary.

*Ravensbourne, Plaistow and Sundridge (page 77)* - Ward Member Councillor Harmer commented that Plaistow and Sundridge consisted mainly of Edwardian and Victorian buildings. There was a mix of large and small family accommodation within the area, and that if the decision was taken to demolish the buildings and replace them with flats, it would change the area considerably.

The existence of a golf course should be highlighted. Large developments of housing on the golf course would cause significant traffic issues.

There were transport problems at Bromley North. In particular, taxi drivers were being pushed into residential roads.

It was noted that Holy Trinity School had stood vacant since 2005.

Several facilities including a library, a school and the Downham Boys Club were shared with the Borough of Lewisham.

Councillor Adams agreed with Councillor Huntington-Thresher's suggestion that the dichotomy of areas should be reported rather than the Bromley average.

As a final comment, Councillor Adams also referred to the section titled 'Social Infrastructure' on page 79. The final sentence did not make sense and should be amended to read: "During recent years, residential development has replaced two community hall sites and a scout hut in the area of Shaftesbury Park on the Downham Estate."

**RESOLVED that the comments and suggested amendments referred to above be noted.**

## **102 BROMLEY TOWN CENTRE CONSERVATION AREA STATEMENT - RESPONSE TO CONSULTATION**

At a Development Control Committee meeting held on 31 August 2010, Members authorised the commencement of a public consultation period for the draft Bromley Town Centre Conservation Area Statement which, when finalised, would form part of the Local Development Framework.

As a result of the completed consultation, Members were asked to note the responses (attached at Appendix 1 of the submitted report) and to agree that the Statement be used as guidance for development control purposes when considering applications for development within the area.

Mr Peter Martin, Head of Strategy and Renewal, reported that correspondence had been received from the Historic Buildings and Areas Adviser who was disappointed to note the continued omission of identifying buildings within the conservation area that the Council considered made a positive contribution to the character and appearance of the conservation area. It was reported that English Heritage advocated this approach in its guidance.

Correspondence had also been received from the Chair of the Bromley Civic Society who was unclear as to whether it was intended that the document would be submitted for a second round of consultation as neither he nor

English Heritage had been notified of the revisions or received a copy for comment. He declared that the document in its present state was incomplete.

Two plans were circulated to Members which referred to character areas and which stated key views which had not been seen before. It was reasonable to allow sufficient time for consultation to be undertaken on these further issues. Mr Martin suggested that the responses be reported to the next Development Control meeting to be held in June.

It was reported that although a sufficient level of consultation had been undertaken, the correspondence received had raised some valid points. A thorough appraisal of the local list should be undertaken and the list should be extended where appropriate. Consultations would be carried out with the owners of identified buildings.

Councillor Mrs Manning commented that as the Area Action Plan had been approved, the appraisal should have been included. It was imperative to produce an excellent appraisal and therefore as much information as possible should be incorporated. The onus would be on developers to look into the history of conservation areas.

It was noted that whilst the paragraph under the title 'Locally Listed Buildings' on page 99 made reference to locally listed buildings making a positive contribution within the Bromley Town Centre Conservation area, the words 'positive contribution' were omitted from the previous page (page 98) under the title 'Listed Buildings in Bromley Town Centre Conservation Area'.

As part of the introduction to the appraisal, it would be helpful to give details of conservation areas, together with an explanation of what constitutes a conservation area. It should be highlighted that locally listed buildings are the prime structures which make a positive contribution. It should be noted that town centres and open spaces also make a valuable contribution.

Councillor Mrs Manning praised the Bromley Civic Society for the hard work and valuable service it provided and proposed that the item be deferred for further consultation.

Councillor Fawthrop desired to know why the shops in front of The Glades were considered to be in the conservation area. Mr Martin responded that certain shops were surrounded by elements of the conservation area ie. Churchill Gardens and should therefore to be included.

Councillor Bosshard emphasised the need for shop fronts to blend in with the character and style of the area.

The Chairman seconded the motion for deferral.

**RESOLVED that the item be DEFERRED pending consultation with those who made representations on the Character Areas map and the Key**

**Views map that are to be inserted into the document, and for a review of the local list of buildings within the Town Centre Conservation Area to be carried out.**

**103 GOOD PRACTICE GUIDE FOR LOCAL LISTING DRAFT FOR CONSULTATION**

The report outlined the functions of the existing London Borough of Bromley Local List adopted in 1975 and informed Members of a draft consultation document issued by English Heritage titled "Good Practice Guide for Local Listing: Identifying and Managing Significant Local Heritage Assets".

Members were requested to note the report, agree the Council's responses to questions (attached as an Appendix to the report) and agree the proposed changes to the selection criteria within the Council's local listed Supplementary Planning Guidance.

It was noted that the responses to the consultation questions were to be submitted to English Heritage by 13 May 2011.

Councillor Fawthrop moved in favour of the recommendation and Councillor Mrs Manning seconded the motion.

It was suggested (and Members agreed) that the response to question 7 should be strengthened to reflect Members' views that local listing was an important recognition of the value of heritage assets.

Councillor Jackson was frustrated by the lack of statutory back-up as there was nothing to stop locally listed buildings from being demolished. It was suggested and agreed that a letter be written to the Local Government Minister highlighting the need for statutory back-up. A copy of the letter would be circulated to Members.

**RESOLVED that:**

- 1) the consultation document be noted;**
- 2) subject to the amendment to the response at question 7, the questions attached in the appendix to the report be agreed;**
- 3) the proposed change to the selection criteria within the Council's local list Supplementary Planning Guidance be agreed; and**
- 4) the Chief Planner write to the Local Government Minister highlighting the need for statutory back-up and a copy of the letter to be circulated to Members.**

**104 LB BROMLEY FIVE YEAR SUPPLY OF HOUSING**

In accordance with Planning Policy Statement 3 (June 2010), the Local Planning Authority had identified the Council's five year housing supply

position for the period 1 April 2010-31 March 2016 (as set out in Appendix 1 to the report). Members were asked to agree the five year supply position.

The Head of Strategy and Renewal stated that the sole purpose of the document was to support the Local Authority's case at appeals.

With reference to page 149, paragraph 4, Councillor Ince stated that windfall sites should not be relied upon as these sites would diminish over time.

Councillor Jackson was disappointed to note that the demand for housing had not been highlighted.

Councillor Boughey reported that building work had commenced at the Ravensbourne College of Design and Communication site. Therefore the entry for this site should be placed in the correct category on page 152.

Councillor Mellor was concerned with the issue of density and emphasised the importance of protecting Green Belt land, as the Local Authority had no powers to enforce development once permission had been given. Councillor Mellor stated that poor architectural areas should be regenerated to lessen housing density across the entire borough.

**RESOLVED that the five year supply position set out in Appendix 1 of the report be agreed.**

#### **105            ENFORCEMENT MONITORING REPORT (JANUARY-MARCH 2011)**

Members considered a report which provided an update on planning enforcement for the first quarter of 2011. The report also provided an overview of enforcement activity and highlighted a number of cases which had been successfully concluded.

Councillor Fookes asked what rules were in place to deal with planning applications submitted whilst enforcement action was being pursued. The Chief Planner responded that this was the subject of a document that had been issued for consultation. Members were informed that a retrospective application could not be submitted if enforcement action had or was being pursued.

It was noted that the informal hearing for Archies Stables (case No. 7 on page 158) would take place on 15 May 2010, not 17 May 2010 as reported.

**RESOLVED that the report be noted.**

**106 PLANNING APPEALS MONITORING REPORT  
(JANUARY-MARCH 2011)**

Members considered a report which provided an update on planning appeals statistics for the first quarter of 2011, including a breakdown by category of appeal in comparison to the figures for 2010.

As requested at a previous Development Control Committee meeting held on 13 January 2011 (Minute 72), the report also incorporated statistical information on applications which had proceeded to appeal in cases where Members had voted against officer recommendations.

The Chairman was pleased to note that 70% of planning appeals had been dismissed and commented that the report was very encouraging.

**RESOLVED that the report be noted.**

**107 UPDATE: PLANNING LEAFLETS AND INFORMATION FOR  
THE PUBLIC**

At a Development Control Committee meeting held on 13 January 2011, Members agreed a 9-month strategy to review and replace current planning leaflets and fact sheets (Minute 70).

As a follow-up to the above, Members considered an updating report on the progress achieved so far.

The Chairman was pleased to note that the process of reviewing and replacing leaflets and fact sheets was progressing well.

An example of the general format to be used was circulated to Members.

Referring to the paragraph on page 2 of the leaflet entitled 'Repairs', Councillor Mrs Manning commented that the first word of the second sentence ie. "However" should be replaced with the word 'Therefore'.

The Chief Planner reminded Members that the leaflets and fact sheets would primarily be accessed via the Council's website in order to minimise printing costs.

**RESOLVED that the report be noted.**

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

**RESOLVED that the Press and public be excluded during consideration of the item of business referred to in the following Minute as it was likely**

**in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.**

**109 EXEMPT MINUTES OF THE MEETING HELD ON 8 MARCH 2011**

The Chief Planner reported that no further information was available at the present time. Negotiations were continuing and the results of those negotiations would be reported back to Members at a future date.

**RESOLVED that the exempt Minutes of the meeting held on 8 March 2011 be confirmed and signed as a true record.**

The meeting ended at 9.21 pm.

Chairman

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Supplementary Information

On a personal note, the Chairman announced the retirement of Mr Peter Martin. Mr Martin joined the Local Authority in 1971, and after holding various posts within the Planning Department had attained the position as Head of Strategy and Renewal. The Chairman thanked Mr Martin for the invaluable contribution he had given to the Local Authority throughout his very successful career.

Members and officers joined the Chairman in wishing Mr Martin a long and happy retirement.

As this was the last meeting of the Municipal Year, the Chairman also thanked Members and officers for their support during the last 12 months.

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# Agenda Item 5

**Application No :** 10/02308/FULL1

**Ward:**  
**Plaistow And Sundridge**

**Address :** Sundridge Park Management Centre Ltd  
Plaistow Lane Bromley BR1 3TP

**OS Grid Ref:** E: 541757 N: 170738

**Applicant :** Millgate Developments Limited

**Objections :** YES

## **Description of Development:**

Four/ five storey building comprising 20 two bedroom, 41 three bedroom and 6 four bedroom dwellings and including basement car parking, garage block for 5 cars and single storey building comprising health spa for residents' use with tennis court on roof

## **Proposal**

The current application seeks permission for a total of 69 residential flats with surface and basement parking, a new single storey building to provide a health spa for residents use with a tennis court above and a new garage block for 5 cars. Permission has previously been granted for a mixed development of flats and houses totally 54 units (ref 07/02483) with a health spa and car parking in the basement.

The buildings are arranged in a similar format as previously approved with a large block of units at the rear fronted by 3 'pavilions' all extending west to eastwards with a central courtyard separating the block from the pavilions. The scheme has been designed by Robert Adam so retains the same architectural style as the approved scheme.

The main differences between the approved scheme and the current applications can be summarised as follows:

- the number of residential units has increased from 54 to 67 (the previously approved scheme included a detached single dwelling known as the Tower House but this has been excluded from this application; therefore the actual number of dwellings will be 68). A total of 14 new flats are proposed. The new scheme will be all flats. It should be noted that the footprint of the 2 residential blocks is unchanged.
- an additional storey has been added to the northernmost block raising the height of this block from 3 storeys plus basement to 4 storeys plus basement. A total of 9 flats will be provided on this floor. The overall height of this building will increase by approx 2.6m.
- the current application offers contributions under S106 amounting to £2,096,000 as a payment in lieu for affordable housing purposes. Under the terms of the legal agreement relating to the approved scheme for 54 units a contribution of

£1,896,000 was secured (£1,821,000 for affordable housing and £75,000 for education).

Two additional buildings are proposed;

- in the approved scheme the health spa was located in the basement but this will now occupy a separate new building to the south of the new residential buildings and have a floor area of 652 sqm. An existing tennis court will sit above the new spa. An existing pavilion in this location will be retained and refurbished.
- a new garage block for 5 cars, measuring 16m by 6m, and associated hardstanding will be provided to the east of the northernmost block and, due to the sloping nature of the site, would be at first floor level.

Other alterations include

- gaps in the upper storeys of the northernmost block were previously designed into the scheme and these have been removed
- additional flats have been provided at basement level with the removal of the health spa
- the overall level of parking has been increased from 117 spaces previously approved to 143 spaces (by 26 spaces)
- parking in the basement area has been increased from 107 spaces to 116 spaces with 5 additional spaces in the new garage block. Surface parking has been increased from 10 to 23 spaces (this includes 2 spaces for the Coach House). As with the approved scheme private cycle storage cages are provided to the rear of the basement parking spaces

With regard to refuse and recycling plans indicate the storage facilities at the lower ground floor level and refuse collection location. A route is identified for transporting the refuse and recycling and it is understood that a concierge will transport the waste to the collection point.

The Design and Access Statement states that all units will be fully accessible by disabled occupants

The Design and Access Statement also includes a comparative analysis matrix that shows the main differences in terms of footprint area, volume and parking between the Butten building, the approved McAslan scheme (the permission for which has now lapsed – ref 05/03506). The comparisons are summarised below;

- the original Butten building provided a building of 8,823 sqm
- the approved scheme (07/02483) provides 9,708 sqm residential floorspace (including approx 283 sqm for the Tower House), plus 750 sqm for the health spa totalling 10,458 sqm
- the proposed scheme provides 11,735 sqm residential floorspace, plus 238 for the approved Tower House, plus 656 sqm for the spa, plus 96 sqm for the garage block totalling 12,770 sqm

In summary the residential footprint and volume of the buildings have increased by approx 28% and 18% respectively over and above the approved Robert Adam scheme (07/02483). The additional new buildings for the spa and the garage block

would add a further 752sqm. There will be 26 additional car parking spaces, with 13 of these being additional surface parking.

The applicant has submitted a number of detailed supporting statements including the following:

- Design and Access Statement, including a detailed Landscape Analysis and Impact Assessment
- Planning Statement
- Draft S106 Agreement
- Transport Statement
- Landscape History, Analysis and Proposals
- Landscape and Woodland Management Strategy
- GLA Toolkit Appraisal
- Ecology Report
- Archaeology Report
- Sustainable Energy Statement
- Foul and Surface Water Drainage
- Construction Methodology

In the Planning Statement the applicant has outlined the 'very special circumstances' required to address policy requirements for development on Metropolitan Open Land. These include

- the footprint is no larger than the former Butten Building,
- the building is largely hidden from outside views by mature trees,
- high quality design of the proposed building,
- the form, scale and design of the proposed buildings are in scale with the nearby listed buildings and historic park and make a significant contribution to the historic assets,
- all surface level residents parking has been removed (there will be 23 surface level visitor parking spaces)
- restoration of the Repton landscaped terraces.
- the Butten Building was inappropriate development and added little to the purposes of including land in the MOL due to its design and extensive surface car parking. The approved application makes a positive contribution to the purposes of MOL and protects the MOL from inappropriate development.

In addition the Planning Statement summarises the specific impact of the revised scheme as follows:

- The current scheme will make a vital contribution to additional housing and off-site affordable housing.
- Without additional floorspace the site may remain boarded and derelict for the foreseeable future, removing the opportunity for significant investment to restore the historic gardens and terraces and enhance the setting of the adjacent listed buildings.
- The additional storey is on the rear courtyard and is only marginally higher than the approved scheme and will be no more prominent than the

previously permitted 2007 scheme from both short range and long distance views.

- The applicant cites a recent appeal decision relating to residential development in the Green Belt that recognises the importance of affordable housing contributions and high quality design.

## **Location**

The application site occupies an area of approximately 2.27 hectares and lies on the northern edge of a parkland also occupied by the Sundridge Park Golf Course. This parkland is a Grade II registered park/garden and the application site falls within the curtilage of a Grade 1 listed building, an original late 18th century mansion house. There are additional features within the site, which are remnants of the landscaping from the time this area was one estate, including the early 19th century Coach House that has been converted into 5 houses (ref 07/03361). The site contains large belts of mature woodland to the north, west and south with open planned lawns and terraces to the front and side of the mansion house.

The site falls within an area of Metropolitan Open Land (MOL), which encompasses land to the north and east towards Elmstead and Chislehurst. It is also designated as a Site of Importance for Nature Conservation.

The former 1960s building on the site is known as the Butten building and was part of a training and management centre that also occupied the adjacent Sundridge Mansion and Coach House. There was also a vehicular hardstanding to the north of the buildings. The buildings have now been demolished.

This application relates solely to the site of the former Butten building, the vehicle hardstanding area and adjacent terraces.

There is one vehicular access to the site through the historic southern entrance via Plaistow Lane. Plaistow Lane links the A221 Burnt Ash Lane and the A222 Widmore Road. A section of the Green Chain Walk (footpath) runs along the western and northern boundary of the site.

## **Consultations**

### **Comments from Local Residents**

Nearby properties were notified and representations were received which can be summarised as follows:

- increase in noise and volume of traffic using the single carriageway access road leading to congestion and dangerous manoeuvres when traffic meets on this road. This will be made even worse with projected construction traffic.
- adverse impact on the physical condition of the access road
- safety relating to the access to and from Plaistow Lane
- conflict with golfers
- the condition of the land and pond close to the junction of the access road and Plaistow Lane should be improved

- the additional units would be an overdevelopment of the site and have a serious impact on the unspoilt local area
- concern that the health spa would be open to non residents and this has not been addressed in the Transport Statement
- lighting should be provided along the length of the access road, which is currently unlit, as part of this application to ensure highway safety for all users of the road
- measures in the construction management plan should be imposed by conditions and any conditions relating to the use of the Golf course should be agreed with the Golf Club prior to imposition
- The Golf Club has raised concerns in respect of the validity of the current permission ref 07/02482 as demolition has occurred ahead of the discharge of pre commencement conditions.

### **Comments from Consultees**

The Council's Housing Officer raises no objections.

The Council's Highways Officer notes that the overall level of traffic is predicted to reduce with the proposed development and raises no objections on parking and highway grounds. Relevant conditions are recommended.

The Council's Drainage Consultant advises that the site is in close proximity of Flood Zones 2 and 3. Comments from the Environment Agency will be reported verbally to the meeting.

The Green Chain Working Party comment that they would welcome proposals which promote outdoor recreation and leisure uses on this site rather than residential. If residential development is permitted it should be suitably designed and they recommend that conditions be added relating to screening, fencing and materials.

The English Heritage Archaeology Advisor raises no objections to the proposal.

Comments have been received from English Heritage with regard to the impact on historic building and historic area matters who advise that these should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

### **Planning Considerations**

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

- H1 Housing Supply
- H2 Affordable Housing
- H3 Affordable Housing – payment in lieu
- H7 Housing Density and Design
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T6 Pedestrians

T7 Cyclists  
BE1 Design of New Development  
BE8 Listed Buildings  
BE15 Historic Parks and Gardens  
BE17 High Buildings  
NE2 Development and Nature Conservation Sites  
NE3 Nature Conservation and Development  
NE7 Development and Trees  
NE8 Conservation and Management of trees and woodlands  
G2 Metropolitan Open Land  
G7 South East London Green Chain  
L9 Indoor Recreation and Leisure

In strategic terms the most relevant London Plan policies are:

2A.6 Spatial strategy for suburbs  
3A.1 Increasing London's supply of housing  
3A.2 Borough Housing Targets  
3A.4 Housing choice  
3A.7 Affordable Housing Targets  
3A.8 Negotiating affordable housing in private residential schemes  
3C.1 Integrating transport and development  
3C.22 Parking Strategy  
3D.9 Metropolitan Open Land  
3D.12 Biodiversity and nature conservation  
4A.7 Energy efficiency and renewable energy  
4B.1 Design principles for a compact city  
4B.3 Maximising the potential of sites

There are a number of national policy documents that are relevant to the consideration of this application. These include

PPS1: Delivering Sustainable Communities

PPG2: Green Belts

NB Green Belts contain well established policy for controlling and setting guidelines for both appropriate and inappropriate development. In terms of the redevelopment of major sites this guidance applies equally to both Green Belts and their urban equivalents, Metropolitan Open Land (MOL). The proposed residential development is therefore, by definition, 'inappropriate' development and as such and in order that such development may be capable of being permitted, the test of 'very special circumstances' must be addressed.

PPS3: Housing

PPG 13: Transport

PPG5 Planning for the Historic Environment

In addition advice given by the Rt Hon Greg Clark, Minister for Decentralisation in a statement dated 23rd March 2011 is also relevant to this application. In it the Minister states that

'To further ensure that development can go ahead, all local authorities should reconsider, at developers request, existing section 106 agreements that currently



render schemes unviable, and where possible modify those obligations to allow development to proceed; provided this continues to ensure that the development remains acceptable in planning terms.'

As the site is in excess of 0.5ha the Council provided a screening opinion as to whether an Environmental Impact Assessment was required as part of the previous application ref 07/02483. After taking into account the selection criteria in Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and the terms of the European Directive, it was considered that the proposed development would be unlikely to have significant effects on the environment by virtue of its nature, size and location.

From a heritage point of view no objections are raised

From an ecological point of view no objections are raised

From an arboricultural point of view there are no objections to the proposal.

### **Planning History**

The site has been the subject of several previous relevant applications as follows

1. In December 2005 planning permission subject to a legal agreement, for the demolition and redevelopment of existing Butten Buildings to provide three residential pavilions comprising 61 apartments, leisure areas, basement and surface car parking together with two villas, access alterations and landscape restoration (ref 05/03506 OUT). This is known locally as the Mac Aslan Scheme.
2. Also in December 2005 permission was granted for the change of use of existing Grade 1 listed Mansion to single dwelling with associated internal and external alterations and extensions and change of use of existing Coach house/ Stable Block to seven residential dwellings with associated internal and external alterations, all with associated landscaping and car parking (ref 05/03503).
3. Associated Listed Building Consent was also granted for the above schemes under ref 05/03507/LBC and 03/0505/LBC respectively.
3. In July 2007 planning permission was granted, subject to legal agreement, for the demolition and redevelopment of existing Butten Building to provide 3/4 storey buildings comprising 11 x 2 bedroom/28 x 3 bedroom/ 6 x 4 bedroom flats and 3 x 3 bedroom/ 2 x 4 bedroom/ 4 x 5 bedroom houses (total 54 units, including the Tower House) with health club for residents use including basement/surface car parking and landscaping (ref 07/02483).
4. In November 2007 permission was granted for external alterations and change of use of Coach House/Stable Block to 5 dwellings with changes of level and retaining walls to provide rear gardens/landscaping/6 car parking spaces and garage block for 3 cars (revision to 05/03503) under ref 07/03361.

5. A current application 10/02214/EXTEND seeks to extend the time limit for the implementation of permission previously granted in July 2007 (07/02483) for the demolition and redevelopment of existing Bitten Building to provide 3/4 storey buildings comprising 11 x 2 bedroom/28 x 3 bedroom/ 6 x 4 bedroom flats and 3 x 3 bedroom/ 2 x 4 bedroom/ 4 x 5 bedroom houses (total 54 units, including the Tower House) with health club for residents use including basement/surface car parking and landscaping (ref 07/02483). At the applicants request this is being held in abeyance.

## Conclusions

The main issues to be considered are the acceptability of the amended scheme in terms of its impact on the Metropolitan Open Land (MOL) and whether the amended S106 contribution is acceptable.

### MOL issues

As previously stated residential development is inappropriate development in the MOL within the definition of Policy G2 of the Unitary Development Plan. However permission was granted for a 54 residential dwelling scheme in 2007 based on 'very special circumstance' presented at the time.

This application seeks to increase the amount of development by adding an additional 14 flats. There are two particular aspects of the current scheme that need to be considered to determine whether the applicant has demonstrated that there are 'very special circumstances' that can be applied to the current application.

1. Increased floorspace – there will be an increase of 28% in the overall floorspace over the approved 2007 scheme. In addition 2 new buildings are proposed, namely the garage block and the health spa. In pure MOL policy terms this is considered to be a significant increase in floorspace on the site that would not normally be acceptable. However this must be considered in the light of all other material considerations.

2. Design and impact of increased height on openness and impact of new buildings on openness – the applicant has submitted detailed information in the Design and Access Statement in an effort to demonstrate that that the additional storey would not be visually intrusive from off site, from the access road, from the valley floor, from the listed Mansion and Coach House and from the terraced gardens. The increase in height has been placed at the rear of the site again to minimise the visual impact.

Whilst the additional floorspace will have some impact on the MOL it may be accepted that the visual intrusion will be minimised due to the

- location of the additional dwellings on the building at the rear of the site which will be set above and to the side of the listed Coach House and Mansion



- the extent of mature tree coverage on this part of the landscaped garden which screens the site.
- The garage block and health spa will be of a high quality to match the design of the residential buildings. The health spa will be located below an existing tennis court and a pavilion and due to its location is likely to be largely screened from external view.

### S106 contributions

In the Planning Statement the applicant has advised that, based on a submitted Financial Viability Assessment (FVA), the approved 2007 scheme for 54 units is not viable and will make a significant loss and is therefore unlikely to proceed. This is partly due to the current downturn in the market and the build cost of the high quality developed proposed.

The applicant further advises that the proposed scheme is more viable as the additional units create more value with build costs increasing at a lower rate due to economies of scale. The FVA demonstrates that the scheme will still make a loss but this loss is much lower. As such the scheme will achieve some developer profit, albeit much lower than the level normally expected.

In addition the applicant has drawn attention to a letter from the Department of Communities and Local Government Chief Planner dated May 12th 2009. In the applicants summary the letter advises that now more than ever it is important to help authorities to ensure existing planning permissions are built and the letter encourages local authorities to review existing sites to judge whether there are actions that can be taken to unlock sites and allow development to go ahead.

In addition members should be aware of a statement from the Minister of Decentralisation, Greg Clark, on March 23rd 2011, which stated that

“To further ensure that development can go ahead, all local authorities should reconsider, at developers request, existing s106 agreements that currently render schemes unviable, and where possible, modify those obligations to allow development to proceed; provided this continues to ensure that the development remains acceptable in planning terms.”

The applicants FVA has been assessed by external consultants appointed by the Council who have advised that

“....we are satisfied that the reduction in land value and profit expectation means that the reduced planning obligations payment demonstrates that the applicant is taking on board significant risks to make this offer, shared with the Council.”

This application should be considered in the light of all of the material considerations set out in this report and the very unusual circumstances facing developers at this particular time. Members will need to consider the advantages of developing the site including securing the receipt of £2,096,000 in S106 contributions for affordable housing and education, against the disadvantages of

having the site remain vacant for an unspecified time period and increased level of development in one of the boroughs designated areas of MOL.

On balance it is considered that there are “very special circumstances” that are very unusual and can be exclusively applied to the site at this time to warrant a recommendation for planning permission in this case.

Background papers referred to during the production of this report comprise all correspondence on file ref: 10/02308, excluding exempt information.

as amended by documents received on 08.10.2010 14.10.2010

**RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT**

and the following conditions:

1ACA01 Commencement of development within 3 yrs

ACA01R A01 Reason 3 years

2ACA04 Landscaping Scheme - full app no details

ACA04R Reason A04

3ACA07 Boundary enclosure - no detail submitted

ACA07R Reason A07

4 Landscaping details to be submitted as required by condition 2 shall consist of locally appropriate species selected with reference to the Bromley Biodiversity Action Plan and shall include a scheme for the future management of all community areas of woodland, woodland edge buffers and open land.

In the interest of preserving and enhancing the benefit of local wildlife and to maintain the areas natural balance of flora in order to comply with Policy NE5 of the adopted Unitary Development Plan

5ACB01 Trees to be retained during building op.

ACB01R Reason B01

6ACB02 Trees - protective fencing

ACB02R Reason B02

7ACB03 Trees - no bonfires

ACB03R Reason B03

8ACB04 Trees - no trenches, pipelines or drains

ACB04R Reason B04

9ACB13 Trees - excavation by hand (a)

ACB13R Reason B13

10ACB15 Trees - details of access/parking

ACB15R Reason B15

11ACB17 Trees - changes in level

ACB17R Reason B17

12ACB19 Trees - App'ment of Arboricultural Super

ACB19R Reason B19

13ACC01 Satisfactory materials (ext'nl surfaces)

ACC01R Reason C01

14ACC02 Sample brickwork panel

ACC02R Reason C02

- 15ACC03 Details of windows  
ACC03R Reason C03
- 16ACC05 Brickwork patterning  
ACC05R Reason C05
- 17ACC06 Mortar details  
ACC06R Reason C06
- 18ACD02 Surface water drainage - no det. submitt  
to ensure satisfactory means of surface water drainage and to accord with Policy ER13 of the Unitary Development Plan.
- 19ACD04 Foul water drainage - no details submitt  
To ensure satisfactory means of fowl water drainage an to accord with Policy ER13 of the Unitary Development Plan.
- 20ACH03 Satisfactory parking - full application  
ACH03R Reason H03
- 21ACH04 Size of parking bays/garages  
ACH04R Reason H04
- 22ACH08 Details of turning area  
ACH08R Reason H08
- 23ACH16 Hardstanding for wash-down facilities  
ACH16R Reason H16
- 24ACH18 Refuse storage - no details submitted  
ACH18R Reason H18
- 25ACH22 Bicycle Parking  
ACH22R Reason H22
- 26ACH29 Construction Management Plan  
ACH29R Reason H29
- 27 Details of lighting to the car park and access certifying compliance with BS 5489=1:2003 shall be submitted to and approved in writing by or on behalf of the Local Planning Authority prior to first occupation and shall be permanently maintained as such thereafter.
- ACH01R Reason H01
- 28 Details of external lighting for the building and external areas including the courtyard and terraces shall be submitted to and approved in writing by or on behalf of the Local Planning Authority prior to first occupation and shall be permanently maintained as such thereafter  
In order to ensure that the lighting is sympathetic to the location of development in an historic park and to comply with Policy BE1 of the adopted Unitary Development Plan.
- 29ACK01 Compliance with submitted plan  
In order to comply with Policies BE1 and BE15 of the adopted Unitary Development Plan.
- 30ACK03 No equipment on roof  
ACK03R K03 reason
- 31 Before any works on site are commenced, a site-wide energy strategy assessment shall be submitted to and approved by the Local Planning Authority. The results of this strategy shall be incorporated into the final design of the buildings prior to first occupation. The strategy shall include measures to allow the development to achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation. The feasibility of the provision of combined heat and power (CHP) to supply thermal and

electrical energy to the site or the most appropriate buildings within the permitted development should be included within the assessment. The final designs, including the energy generation shall be retained thereafter in operational working order, and shall include details of schemes to provide noise insulation and silencing for and filtration and purification to control odour, fumes and soot emissions of any equipment as appropriate.

In order to seek to achieve compliance with the Mayor of London's Energy Strategy and to comply with Policy 4A.7 of the London Plan.

32 Construction works associated with the approved scheme shall not take place before 0800 or after 1800 on any weekday nor before 0800 or after 1300 on any Saturday. No works shall take place on any Sunday, Bank Holiday, Christmas Day or Good Friday.

To protect the amenities of local residents and the area in general and to comply with Policy BE1 of the adopted Unitary Development Plan.

#### Reasons for granting permission

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

H1 Housing Supply  
H2 Affordable Housing  
H3 Affordable Housing – payment in lieu  
H7 Housing Density and Design  
T1 Transport Demand  
T2 Assessment of Transport Effects  
T3 Parking  
T6 Pedestrians  
T7 Cyclists  
BE1 Design of New Development  
BE8 Listed Buildings  
BE15 Historic Parks and Gardens  
BE17 High Buildings  
NE2 Development and Nature Conservation Sites  
NE3 Nature Conservation and Development  
NE7 Development and Trees  
NE8 Conservation and Management of trees and woodlands  
G2 Metropolitan Open Land  
G7 South East London Green Chain  
L9 Indoor Recreation and Leisure

#### Policy 4A.7 of the London Plan

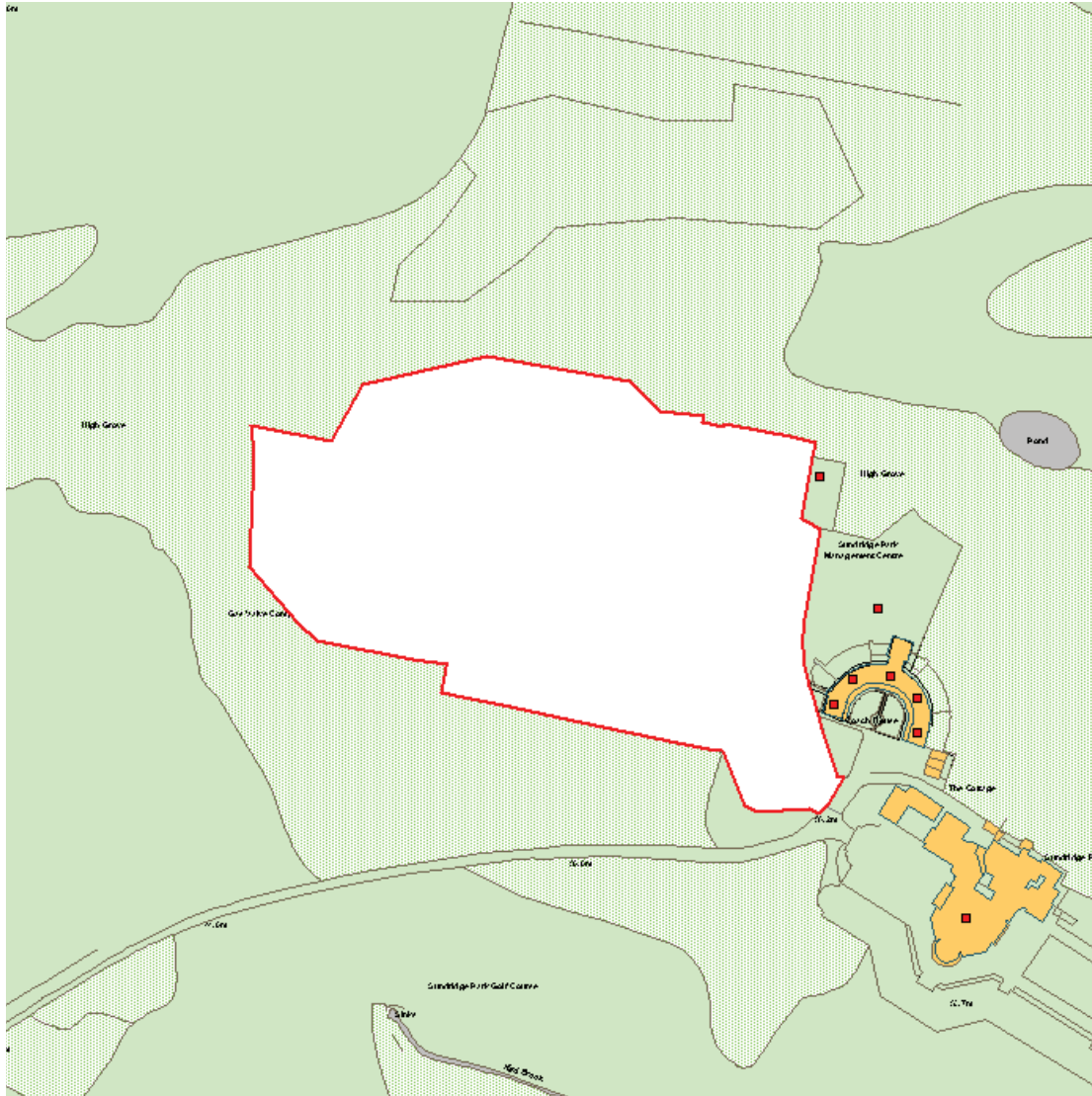
#### Reasons for granting permission

1. the relationship of the development to adjacent properties
2. the character of the development in the surrounding areas
3. the safety of pedestrians and motorists on the adjacent highway
4. the safety and security of buildings and spaces around them
5. accessibility to buildings

6. the housing policies of the development plan
7. sustainability issues
8. 12. the archaeology policies of the development plan
9. the open space policies of the development plan
10. the conservation policies of the development plan
11. the setting, character and appearance of the listed building
12. the relationship of the development to trees to be retained

And having regard to all other matters raised.

Reference: 10/02308/FULL1  
Address: Sundridge Park Management Centre Ltd Plaistow Lane Bromley BR1 3TP  
Proposal: Four/ five storey building comprising 20 two bedroom, 41 three bedroom and 6 four bedroom dwellings and including basement car parking, garage block for 5 cars and single storey building comprising health spa for residents' use with tennis court on roof



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# Agenda Item 6

Report No.  
DRR11/045

London Borough of Bromley

PART 1 - PUBLIC

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

**Date:**                      **30th June 2011**

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

**Title:**                      **DRAFT REPLACEMENT LONDON PLAN EIP PANEL REPORT SUMMARY**

**Contact Officer:**      Terri Holding, Planning Officer  
Tel: 020 8313 4344      E-mail: [terri.holding@bromley.gov.uk](mailto:terri.holding@bromley.gov.uk)

**Chief Officer:**              Chief Planner Bob McQuillan

**Ward:**                      Boroughwide

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1.    Reason for report

The Draft Replacement London Plan (DLP) 2009 has been inspected by the Planning Inspectorate and found that it provides a sound basis for the planning of Greater London over the next 20 years. The Examination in Public (EiP) Panel report (May 2011), <http://www.london.gov.uk/london-plan-eip> contains recommendations on changes which should be made to the Draft Replacement London Plan. LB Bromley made responses to the original revised London Plan consultation followed by specific written statements for the EiP. This report summarises the recommendations put forward by LB Bromley and the subsequent responses or recommendations made by the EiP Panel to the Mayor.

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2.    **RECOMMENDATION**

**Members note the report.**



### Corporate Policy

1. Policy Status: N/A.
  2. BBB Priority: N/A.
- 

### Financial

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

### Staff

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

### Legal

1. Legal Requirement: Statutory requirement. Draft Replacement London Plan 2009
  2. Call-in: Call-in is not applicable.
- 

### Customer Impact

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

### Ward Councillor Views

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



### **3. COMMENTARY**

**3.1** The Draft Replacement London Plan (DRLP) 2009 has been inspected by the Planning Inspectorate and found that it provides a sound basis for the planning of Greater London over the next 20 years. Following representation received from the boroughs and interested parties the Examination in Public (EiP) took place in 2010. The EiP Panel report (May 2011) contains conclusions and recommendations on changes which should be made to the Draft Replacement London Plan. The Mayor has submitted the Replacement London Plan as he intends to publish it to the Secretary of State for ministerial approval. Following this and any direction received back from the Secretary of State, the Mayor will take a decision to publish (adopt) the London Plan. In accordance with regulation, the Mayor's detailed response to the panel's recommendations will be made public when he publishes the London Plan late 2011.

**3.2** The new London Plan when adopted by the Mayor will replace the existing London Plan as part of the development plan for London as a whole. 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 finalised will be required to conform to the London Plan.

**3.3** In 2010, LB Bromley made responses to the original revised London Plan consultation followed by specific written statements for the EiP covering policies on Opportunity Areas and Intensification Areas, Strategic Outer London Development Centres (SOLDCs), Increasing Housing Supply, Housing Choice and Gypsies and Travellers, and Parking. This report summarises the recommendations put forward by LB Bromley and the subsequent responses or recommendations made by the EiP Panel to the Mayor.

#### **3.4 DRLP Policy 2.13 Opportunity Areas and Intensification Areas**

This policy encourages boroughs to progress and implement planning frameworks to realise the potential of Opportunity and Intensification Areas across London. No areas within LB Bromley were identified on the locations map. LB Bromley requested that Bromley Town Centre (BTC) be included as an Opportunity Area in the London Plan.

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

#### **EiP Panel recommendation**

The Panel shared the Mayor's view that Bromley Town Centre should not be identified as an Opportunity Area because, with capacity for about 2,000 homes and 2,000 jobs, it does not meet the capacity threshold referred to in paragraph 2.55 (DRLP) i.e. accommodate at least 5,000 jobs or 2,500 new homes or a combination of the two, along with supporting facilities and infrastructure, and that it also falls below the figures that typify Intensification Areas.

#### **3.5 DRLP Policy 2.16 Strategic Outer London Development Centres (SOLDCs)**

LB Bromley welcomed Policy 2.16 as it is effectively a means to help outer London reach its full potential by identifying key strategic commercial areas. The Outer London Commission had highlighted business locations with specialist strengths which potentially or already function above the sub-regional level and generate growth significantly above the long term outer London trend. Biggin Hill was the only such area identified in Bromley. However, clarity was requested regarding the specific role of Biggin Hill (which was mentioned in the policy table of 'Strategic function(s) of greater than sub-regional importance' under 'Other transport

related functions', and assurance was sought that the designation does not entail intensification of the Airport itself.. Further consideration should be given as to whether additional locations would merit designation as SOLDCs.

### **EiP Panel recommendation**

The policy is devised to highlight business locations with specialist strengths. The Panel clarified the inclusion of Biggin Hill in the table as "the reference to Biggin Hill does not trespass into aviation policy". The existing table shows the centres identified so far, and is to be regarded, according to the Mayor, only as a starting point to which further centres would be added as the process beds down.

### **3.6 DRLP Policy 3.3 Increasing housing supply and Table 3.1**

The target figure of 565 per annum for LB Bromley in Table 3.1 (which showed the figure set for each borough) and Policy 3.3 was opposed as the target is set too high and is not realistically achievable. It is considered essential that the figure accurately reflects a reasonable estimate of development capacity and takes into account all existing and future constraints including Green Belt, Metropolitan Open Land and other open space local policies, residential character and garden land.

A number of large sites included in the 2009 London SHLAA were identified as unlikely to come forward for development during the monitoring period 2011-2021 resulting in LBB proposing a new figure of 473 per annum. Further analysis submitted to the GLA proposed a further reduced target figure of 462 per annum (4620 ten year target) to be inserted into Table 3.1. The GLA published a Housing Technical Note (August 2010) that reduced the annual target for Bromley from 565 to 500.

### **EiP Panel recommendations**

Panel recommendations refer to a 'minimum' monitoring benchmark of 34,900 dwellings per annum for London and introduce a range of 34,900-37,400 dwellings per annum (previously 34,900) to take into account increases in projected household formation and lower levels of net migration to surrounding regions. Any alterations to borough targets would be reflected through Early Alterations to the Plan.

Borough targets set out in Table 3.1 (Housing Technical Note, August 2010) are agreed. Importantly, borough Development Plan Documents (DPDs) only have to be in general conformity with the London Plan and it will be open to individual boroughs that have evidence to justify any different figures at Examinations of Core Strategies. To avoid any uncertainty and lack of impetus over securing sufficient provision boroughs will roll forward annual targets in Table 3.1 (500 units per annum for the Borough) expressing the rolling target as an indicative figure to be checked and adjusted against any revised housing targets.

### **3.7 DRLP Policy 3.5 Quality and design of housing developments and Paras 1.2.19 and 1.2.21 of the Housing Supplementary Planning Guidance (SPG) EiP Draft**

Policy 3.5 seeks to secure new housing of the highest quality and protect and enhance residential neighbourhoods. Paragraphs 1.2.19-1.2.26 of the Housing SPG EiP Draft (August 2010) set out guidance on how boroughs and developers should consider development proposals on private garden land.

In the Housing SPG EiP Draft the definition of private garden land in paragraph 1.2.19 is not reflected in paragraph 1.2.21 which refers to presumptions against development on back gardens (rather than private garden land) and Policy 3.5 of the DRLP should be amended to refer to a presumption against development on private garden land.

### **EiP Panel recommendations**

Policy 3.5 paragraph 3.28 should be modified to refer to the fact that the London SHLAA assumes a theoretical reduction of 90% in the historic level of garden development and therefore no strategic housing land availability obstacle to the formulation of DPD policies that seek to protect private or back gardens from housing development. A suitable evidence base is necessary at a local level to support such policies. The words “presumption against” are replaced with “policies to control” in the last sentence of Policy 3.5A.

### **Housing Supplementary Planning Guidance (SPG) EiP Draft - Table 3.2 Density Matrix**

An LB Bromley objection was made to the inclusion of a minimum density of 35 units per ha within Table 3.2 of the SPG in light of previous amendments to PPS3 that removed the minimum density of 30 dwellings per hectare.

### **EiP Panel recommendations**

The density of 35dph (0-1 PTAL column of the Matrix) should remain the appropriate indicative minimum benchmark in London. The importance of avoiding inefficient use of housing land is highlighted but that does not mean, in a policy sense, requiring that land be developed to its maximum physical capacity. The panel therefore recommends use of the word “optimising” and not “maximising” in Policy 3.4A and reference to “character” is also endorsed.

### **Housing Supplementary Planning Guidance (SPG) EiP Draft - Section 2 Quality and Design**

LB Bromley considers that the use of standards as set out in Section 2 on Quality and Design in the Housing SPG EiP Draft is overly prescriptive and inappropriate for this type of document and also for the DRLP itself.

### **EiP Panel recommendations**

Recommendations have not been made on the Housing SPG EiP Draft unless linked to changes in policy within the Plan. Table 3.3 showing minimum space standards in the DRLP is endorsed with some changes recommended that specify LDFs should incorporate minimum space standards that generally conform to Table 3.3. Reference to the standards in the text and the title should change from “minimum” to “indicative” and an additional row be added to Table 3.3 to provide for 1 bedroom/studio units with an indicative floorspace of 37sqm.

## **3.8 DRLP Policy 3.8 Housing Choice and Policy 3.9 Gypsies and Travellers**

### **Draft Replacement London Plan Policy 3.9**

The policy required LB Bromley to provide 58 Gypsy and Traveller pitches between 2007 and 2017. This figure far exceeded the requirements of all other London boroughs and LB Bromley objected strongly to this figure of 58 as it had to the Gypsy and Traveller Accommodation Needs Assessment (GTANA 2008) which was the evidence base used by the Greater London Authority in negotiating and drafting the London Plan policy. The GTANA had indicated a requirement of 119 additional pitches for Bromley (2007 – 2017) including a very significant proportion for those currently housed but with a psychological aversion to bricks and mortar. During the pre plan negotiations and throughout the draft London Plan consultation, Bromley has disputed the psychological aversion allowance and argued that capacity should be given more weight than need in determining allocations across the Capital.

### **March 2010 - Minor Alteration to Policy 3.9 issued.**

This alteration produced a pitch requirement of 17 for LB Bromley and was welcomed, since it addressed both of the key objections LB Bromley had previously raised (above). Additionally LB Bromley made representations regarding the provision of transit sites and Travelling Showmen plots, which would be met sub regionally and would not fall equally on all boroughs. LB Bromley, which has a large travelling showpeople site where additional provision has recently been made, argued that where a borough met one of these needs for the sub region it should be exempt from the other.

### **September 2010 Minor Alteration to Policy 3.8 Housing Choice (Policy 3.9 deleted)**

The Mayor published a further minor alteration deleting the pitch targets altogether and incorporating reference to C and travelling showpeople within Policy 3.8 "Housing Choice", making boroughs responsible *"for determining the right level of site provision, reflecting local need and historic demand, and for bringing forward land in DPDs*. LB Bromley welcomed the removal of references to provision for those with a "psychological aversion" to living in bricks and mortar accommodation, but, argued strongly that the absence of a target effectively returns to a policy which seeks to meet needs where they arise without reference to capacity, would not be a strategic approach and would see responsibility falling heavily on the few boroughs, currently making provision, significantly LB Bromley.

### **EiP Panel recommendations**

Agreed with LB Bromley's representations that:

- Gypsy and Traveller provision is a strategic London-wide issue.
- Sept 2010 alteration is not an appropriate solution
- March 2010 offers a better way forward in respect of the land : capacity ratio

The panel, in reaching its target had had some sympathy with

- The GLA equitable delivery argument that Gypsies and Travellers ought not to expect a better level of provision than is feasible for social housing generally (72.5% of identified need)
- The need for some allowance for psychological aversion

Given the two points above one reducing and one increasing the need, the panel settled on a London-wide figure which matched the minimum need of 268 pitches producing a target for LB Bromley of 29 pitches. Furthermore, the panel indicated that provision should be made through cooperation within the sub regional housing partnership groups. The panel noted that some sub regions had traditionally under provided and should bear a greater need, effectively reducing the South East group (including Bromley) such that the LB Bromley provision would be 19 pitches. In conclusion, LB Bromley's requirement lies somewhere in the range of 19 -29 pitches by 2017.

### **3.9 DRLP Policy 6.13 Parking**

LB Bromley made representation to the GLA that parking standards for non-residential development are heavily dependent on PTALs (Public Transport Accessibility Levels). In outer London town centres, PTALs as currently applied may overestimate the connectivity between these centres and their catchment areas. Outer London authorities need the additional flexibility of PPS4, Policy EC18 to take account of this.

There is a need for a review of the PTAL system which although stated in the DRLP that the Transport for London (TfL) 'may do' was considered too vague, LB Bromley therefore suggested an amendment to paragraph 6.39 to read 'Transport for London (TfL) will be

asked to undertake a review of the PTAL system in consultation with Boroughs and other stakeholders' and amend para 6.1A in line with PPS4.

LB Bromley also suggested that attempting to limit residential parking in Outer London below expected levels of car ownership could be counter-productive, with the result being more on-street parking or conversion of front gardens. Residential parking standards should reflect PPS3 by allowing Local Planning Authorities to take account of expected levels of car ownership, the importance of promoting good design and the need to use land efficiently, therefore the parking table in the DRLP (p.161) should be amended.

**EiP Panel recommendations**

The EiP panel were not convinced that there is a need for greater flexibility in terms of retail standards than is already provided for by the regeneration caveat. The standards are those applicable in relation to individual developments and do not preclude provision of public parking to support town centres where appropriate. The panel do not think the ability to increase provision where PTALs are low would encourage out of centre development because the town centre policies in Chapters 2 and 4 would also be applicable. TfL confirmed that PTALs are regularly reviewed in collaboration with Boroughs, with the next review due in mid-September.

The Panel confirmed that it would be helpful to have in the Mayor's Housing SPG reference to PTAL level use in relation to residential development, therefore this should be added to the Notes to the Maximum Residential Housing Standards "the forthcoming SPG on housing will include a table setting out a matrix of residential parking standards that reflect PTAL levels".

On the issue of there being sufficient reflection of PPS4 guidance and the role of PTALs, the Panel were not convinced that there was any fundamental problem with the approach to setting maximum parking standards in the DRLP. The amendments to PPG13 (January 2011) weaken though do not remove national policy backing for such an approach. The amendments remove the guidance in PPG13 which required Councils to set maximum standards for parking spaces allowed in new residential developments. The Mayors approach does not preclude Boroughs from setting variant standards provided that they have had regard to the standards set within the Addendum to Policy 6.13 and can justify any variation on the basis of local evidence. Such evidence may point to a need for particular consideration to be given to an individual neighbourhood rather than for the whole of a Borough.

**4 POLICY IMPLICATIONS**

The Replacement London Plan when adopted by the Mayor will replace the existing London Plan as part of the development plan for London as a whole. 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 will be required to conform to the Replacement London Plan.

<b>Non-Applicable Sections:</b>	Financial, Personnel and Legal
Background Documents: (Access via Contact Officer)	Draft Replacement London Plan 2009 Executive 9 <sup>th</sup> December 2009 and Development Control Committee 1 <sup>st</sup> December 2009:Response to the Draft Replacement London Plan

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# Agenda Item 7

Report No.  
DRR11/00057

London Borough of Bromley

PART 1 - PUBLIC

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**Decision Maker:** Development Control Committee

**Date:** 30th June 2011

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

**Title:** **RELAXATION OF PLANNING RULES FOR CHANGE OF USE FROM COMMERCIAL TO RESIDENTIAL : RESPONSE TO GOVERNMENT CONSULTATION**

**Contact Officer:** Gill Slater, Planner  
Tel: 020 8313 4492 E-mail: gill.slater@bromley.gov.uk

**Chief Officer:** Chief Planner Bob McQuillan

**Ward:** Boroughwide

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1. Reason for report

The Government is considering a proposal to relax the planning rules for change of use from commercial to residential, in order to make housing supply more responsive to changes in demand. Responses to the consultation were required by 30<sup>th</sup> June (today) and hence have been agreed with the Chairman of Development Control. The report sets out the basis of the proposal and the Council's response. The detailed response to the consultation questions will be available prior to Development Control Committee.

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2. **RECOMMENDATION**

**Members note the consultation and the Council's response.**

### Corporate Policy

1. Policy Status: N/A.
  2. BBB Priority: N/A.
- 

### Financial

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

### Staff

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

### Legal

1. Legal Requirement: Non-statutory - Government guidance.
  2. Call-in: Call-in is not applicable.
- 

### Customer Impact

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

### Ward Councillor Views

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



### **3. COMMENTARY**

- 3.1** The Government is seeking to increase the housing supply in England and have introducing a range of measures including the New Homes Bonus and provisions within the Localism Bill such as the “Community Right to Build”.
- 3.2** The proposed relaxation seeks to tackle what the Government describes as “the urgent need to increase the rate of house-building” by amendments to statutory instruments. (Use Classes Order 2007 and General Permitted Development Order 1995). The proposed changes would establish the principle that change of use from business to residential (Class C3) would be “permitted development” and not therefore require planning permission. The consultation looks at B1 uses (offices, research and development premises and light industry) but also B2 (general industrial) and B8 (storage and distribution). However, where a development requires any additional work to the exterior of an existing building or is a new build development, a planning application for this operational development would be required in the normal way.
- 3.3** The key features of the current consultation are set out below as are a number of issues raised by the proposed changes.

#### The Impact of Changes to the Use Classes Order

- 3.4** The relaxation of planning controls through “permitted development” appears contrary to the Governments intentions in respect of Localism. “Neighbourhood planning will allow people to ... say where they think new houses, businesses and shops should go – and what they should look like.” (Plain English Guide to the Localism Bill 2011 CLG). The proposed change would remove local Councils ability to reject proposals which it considers out of character or detrimental to the locality; remove the opportunity for the public to make representations on a proposal, and undermine local plan making. Increased flexibility in respect of appropriate changes of use could instead be achieved through revisions to planning policy guidance such as strengthening the advice in PPS3 Housing, regarding consideration of reallocating business and commercial sites for housing.
- 3.5** In respect of individual schemes the proposed permitted change of use would reduce control over design and quality of the residential accommodation, amenity space and parking and appears contrary to the recently re-issued PPS 3 Housing. It may deliver residential development in areas of inadequate infrastructure whilst removing the opportunity to seek 106 contributions to mitigate any adverse impacts, including for example, congestion and highway safety or pressure on local schools and health facilities.
- 3.6** The proposal creates a perverse incentive to convert office blocks, without alterations (which would require a planning application), potentially producing poorer quality living environments and impacting the market for well designed new build residential developments permitted by the Council. Completions of permitted schemes are already slow due to the current economic climate.
- 3.7** Changes of use for buildings currently in use as B2 (general industrial) and B8 (storage and distribution) are unlikely to be achievable without alterations which would require planning permission, however, the principle of change of use would be established. B2 and B8 uses are often located in areas with poorer access to services and public transport. The consultation suggests that problems relating to co-existence with other neighbouring B2 or B8 uses could be addresses through environmental health legislation.

- 3.8** The proposed relaxation would restrict the ability to deliver the key principle of the planning system, that it “should facilitate and promote sustainable and inclusive patterns of urban and rural development” (PPS1 para 5), resulting in:
- the loss of business sites, which may impact on the local economy and potential for future growth in the most appropriate locations (e.g. town centres for offices or business areas for less neighbourly commercial activities).
  - the loss of local control over the quality and mix of new dwellings, affordable homes, lifetime homes or wheelchair provision etc.
- 3.9** The potential changes in land use could undermine assumptions about residential and business capacity on which local plans are based. For example the Bromley Town Centre Area Action Plan. The plan was recently adopted on the basis of a locally agreed vision for residential and business growth in the town centre and an understanding of the impacts of that growth on the highway network, parking and public transport provision. The loss of business space could diminish the role of Bromley Town Centre for business investment, and the availability of cheaper converted residential units could have implications for the viability of some of the key sites identified within the Area Action Plan.

#### Suggested Mitigation

- 3.10** The consultation suggests that adverse impacts could be mitigated by standard conditions, to be met by means of a prior approval mechanism or based on self certification. The requirement to prepare a travel plan is suggested by way of example, although the consultation suggests a similar approach to other possible impacts such as noise.
- 3.11** To affect savings to the developer the prior approval mechanism will involve the paring down of current considerations, however, if the proposed conditions are any less rigorous than the requirements of a planning application the quality of schemes and the mitigation of undesirable impacts will be difficult to ensure. In particular the conferring of permitted development rights on the basis of self certification may be open to misinterpretation or abuse.
- 3.12** If a development is not “permitted development” (i.e. it fails to satisfy the prior approval mechanism) it would be necessary to submit a planning application (retrospective if the development has commenced). There is no guidance regarding appeal or enforcement where a proposal fails the prior approval mechanism.
- 3.13** No mechanism is suggested to replace s106 contributions although the consultation suggests “it could occur through other action by the local authority or the developer on a voluntary basis following discussion with the neighbourhood”, the incentive being that this would make their development more attractive to buyers. Experience demonstrates the difficulties of securing contributions from developers using the current planning system. It is unlikely that the voluntary system suggested will deliver appropriate contributions and thus the costs of mitigating the impacts of the development, rather than being borne upfront through the planning process, will be borne over the longer term by the local community and the tax payer.

## Reversion within five years

- 3.14** Should a change of use prove not successful in market terms, within five years the consultation suggests allowing it to revert without the need for permission, to its former business use. This could create perverse incentives not to address the long term viability of the proposal. It could deter high specification or investment in measures to address issues of parking and amenity for the new occupants or existing neighbours, and may encourage short term rents, creating a transient population in low grade accommodation.

## Thresholds and Exclusions (including Article 4 Directions)

- 3.15** The consultation lists a range of exemptions:

- Listed buildings
- Safety hazard zones
- Development requiring an Environmental Impact Assessment (screening sought on sites over 0.5ha)
- Contaminated land.

The consultation suggests thresholds based on the number of dwellings to protect larger buildings which accommodate companies that employ many local people. However, it notes that this would add complexity and limit the achievement of the housing supply objective.

- 3.16** Where a local authority considers that a nationally granted permitted development right is not appropriate in an area it can make an Article 4 direction to remove that right. Section 189 of the Planning Act 2008 stipulates that in such circumstances compensation will be payable if an application is made and refused or subject to restrictive condition, within 12 months of the direction. S189 also provides that compensation will not be payable where there has been a 12 month notification period prior to the Article 4 direction coming into force. The Government wishes to stimulate “an immediate boost to housing supply” and indicates that it is therefore minded not to apply the provisions of s189. However, compensation will still be payable – the Impact Assessment (Annex A) sets out costs to local authorities indicating “*local planning authorities may be liable to pay compensation to developers on removal of the permitted development right. We propose that this liability is not capped by application of s189 of the 2008 Planning Act*”. Additionally the consultation highlights costs to local authorities relating to the publication, consultation and justification of Article 4 directions and the cost of dealing with planning applications, as the fee is waived where Article 4 directions have been made.

## Change of use from Residential to Business and Local Development Orders

- 3.17** The draft guidance also asks whether liberalisation of planning controls to enable the change in the other direction, from residential to certain B use classes. The relaxation nationally of controls over the change of use from residential would risk reducing the housing stock if the market favoured commercial development.
- 3.18** The consultation notes that local authorities can already use “local development orders” to enable “balancing changes in the local planning regime”. The use of local development orders could also allow the changes the draft seeks from business to residential, whilst ensuring that these decisions are taken locally.

## 4 POLICY IMPLICATIONS

- 4.1 The Planning Policy Statement will replace the guidance in the existing circulars for the purposes of plan making and development control functions.

<b>Non-Applicable Sections:</b>	Financial, Personnel and Legal
Background Documents: (Access via Contact Officer)	<p>“Bromley Town Centre Area Action Plan”  <a href="http://www.bromley.gov.uk/info/1004/planning_policy/463/bromley_town_centre_area_action_plan">http://www.bromley.gov.uk/info/1004/planning_policy/463/bromley_town_centre_area_action_plan</a></p> <p>“Planning for Traveller Sites” Consultation (CLG April 2011)  <a href="http://www.communities.gov.uk/publications/planningandbuilding/travellersitesconsultation">http://www.communities.gov.uk/publications/planningandbuilding/travellersitesconsultation</a></p> <p>“A plain English guide to the Localism Bill” (CLG June 2011)  <a href="http://www.communities.gov.uk/publications/localgovernment/localismplainenglishguide">http://www.communities.gov.uk/publications/localgovernment/localismplainenglishguide</a></p> <p>“Draft Replacement London Plan - Report of the Panel” (March 2011)  <a href="http://www.london.gov.uk/london-plan-eip">http://www.london.gov.uk/london-plan-eip</a></p>

# Agenda Item 8

Report No.  
DRR11/064

London Borough of Bromley

PART 1 - PUBLIC

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

**Date:**                    **30<sup>th</sup> June 2011**

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

**Title:**                    **PROPOSALS FOR A MAYORAL COMMUNITY  
INFRASTRUCTURE LEVY : CONSULTATION ON DRAFT  
CHARGING SCHEDULE**

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

**Chief Officer:**        Bob McQuillan

**Ward:**                    All

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1. Reason for report

Following the consultation on a preliminary draft Community Infrastructure Levy earlier this year, the Mayor has now published for consultation his Charging Schedule. The closing date for comments is 8<sup>th</sup> July 2011.

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2. **RECOMMENDATION(S)**

**Members endorse the suggested responses to the consultation and formally request to be heard at the examination by an Inspector.**

### Corporate Policy

1. Policy Status: N/A.
  2. BBB Priority: N/A.
- 

### Financial

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

### Staff

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

### Legal

1. Legal Requirement: Statutory requirement. Part 11 of the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010.
  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? No.
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

- 3.1 The Mayor is continuing to pursue proposals for a new London wide Community Infrastructure Levy (CIL) on development in the capital. The levy is intended to raise £300 million towards the delivery of Crossrail, which is essential to the capital's growing economy and to ensuring it remains a competitive global business centre in the 21<sup>st</sup> century. It forms part of the funding package for the project agreed between the Mayor and ministers. Crossrail will bring significant benefits across London improving the transport system, creating thousands of new jobs. It is estimated that every London borough, not just those on the Crossrail route, will see annual benefits to its economy ranging from £15 million to £115 million. It will support development in key parts of London, including the West End, the Isle of Dogs and the Thames Gateway.
- 3.2 The setting of a London wide Community Infrastructure Levy is a new power given to the Mayor under the Planning Act 2008 designed to raise money for the infrastructure needed to develop an area. Following through consultation the levy will be payable on most new development from spring 2012 and the money raised will go towards London's share of the Crossrail funding package agreed with Government. The levy will be collected by the boroughs once development commences.

It is proposed to charge the Levy on most developments in London at the following rates:

- § Zone 1 - £50 per square metre Camden, City of London, City of Westminster, Hammersmith and Fulham, Islington, Kensington and Chelsea, Richmond-upon-Thames, Wandsworth
  - § Zone 2 - £35 per square metre Barnet, Brent, Bromley, Ealing, Greenwich, Hackney, Haringey, Harrow, Hillingdon, Hounslow, Kingston upon Thames, Lambeth, Lewisham, Merton, Redbridge, Southwark, Tower Hamlets
  - § Zone 3 - £20 per square metre Barking and Dagenham, Bexley, Croydon, Enfield, Havering, Newham, Sutton, Waltham Forest Preliminary Draft Charging Schedule.
- 3.3 Affordable housing is exempt from any CIL charge (Mayoral or local CIL charge). However for the Mayoral CIL almost all development is expected to contribute to CIL. There are some other exemptions and or reliefs that include health and education uses, small development (under 100 square metres or one additional unit) but no additional relief for charities unless the development is used by charities for charitable purposes.
- 3.4 The Charging Schedule has been worked out using average house prices per Borough as a proxy for economic vitality. The Mayor considers this is the most workable approach as it matches with the sector with the highest likely development (residential), which, *it is assumed*, correlates with commercial activity.
- 3.5 Under the Community Infrastructure Levy (CIL) Regulations, the amount of CIL to be paid (with a figure given per square metre of development and an explanation of the method to be used to work out how much should be paid in each case) has to be explained in a formal document called a Charging Schedule. The Mayor has to carry out two rounds of public consultation on his proposed Charging Schedule:
- § First, he must consult on a preliminary draft. He published a preliminary draft for public consultation on 17 January 2011. There was a six week consultation period, ending on 2 March 2011. The Mayor has made no changes in response to Bromley's representations.
  - § Having considered the comments made on the preliminary draft, he must then consult again on a draft Charging Schedule for a period of at least four weeks. This is the purpose of this current consultation.

- 3.6 The Mayor then has a further opportunity to make changes to the Draft Schedule and, if he does so, he has to allow a further four weeks for public consultation on these changes.
- 3.7 The Mayor will appoint an independent “examiner” to conduct a public Charging Schedule Examination. This will be a public hearing to ensure that:
- § The Mayor has complied with the procedures for setting the CIL as set out in legislation
  - § The Schedule is supported by background documents containing appropriate available evidence
  - § This evidence shows that the level of CIL proposed to be charged complies with the legal duty to ensure that an appropriate balance has been struck between the desirability of funding infrastructure through CIL and the potential effects of doing so on the economic viability of development across its area. This judgement has to be based on infrastructure planning carried out as part of the development plan process, showing what is needed to support the growth of the area.
  - § This evidence shows that the rate proposed to be charged would not put at serious risk overall development of the area.
- 3.8 The examiner will then report to the Mayor, who will take his final decision on the rate to be charged in the light of any recommendations the examiner may make. He will then formally approve and publish the Charging Schedule. CIL will be payable for developments that receive planning permission after the date the Charging Schedule comes formally into force. Payments are made by developers when they commence their developments. In London, the CIL set by the Mayor will be collected by the London boroughs, who will forward it to the Mayor. Both the Mayor and the boroughs are allowed to support the costs of CIL administration from the sums paid.
- 3.9 Once formally approved, the Charging Schedule will sit alongside the Mayor’s Spatial Development Strategy (the London Plan), but it will not form part of it.
- 3.10 The Government intends to make changes to the CIL through the Localism Bill, which is currently before Parliament. Of these the most important in the context of this document are:
- § It intends to require authorities charging a CIL to pass “a meaningful proportion” of CIL monies raised in each neighbourhood back to that neighbourhood. Government considers this will ensure that where a neighbourhood bears the brunt of a new development, it receives sufficient money to help it manage those impacts. **This requirement will not apply to the Mayoral CIL proposals outlined in this document.**
  - § It intends to limit the binding nature of recommendations made by the independent examiner about CIL rates. At the moment, any changes put forward by an examiner are binding. From the time when the Localism Bill receives Royal Assent it is proposed that authorities will have to correct charges considered excessive by examiners, but will have greater discretion about how this is done.
- 3.11 This document represents the second stage in the process. Drawing on the legislation and the guidance issued by the Department of Communities and Local Government, it:
- § Explains how the Mayor will meet the various requirements in setting the CIL, providing background on the Crossrail project and how it is to be funded
  - § Contains the draft Charging Schedule and explains the basis on which it has been prepared
  - § Sets out the evidence about the effect on development viability and overall development in Greater London on which the Mayor has based his decision.



### 3.12 The Mayor concludes that

- § A dependable public transport infrastructure capable of moving an expanding working and residential population is necessary if the objectives in the London Plan, and the wider economic objectives of the government, are to be met.
- § The differential approach to setting the Levy (as distinct from a flat rate), whilst not perfect, gives some assistance to Boroughs with poorer fundamentals such as lower average house prices and helps support the spatial strategy in the London Plan.
- § The £15 differential between groups means that CIL as a percentage of house price is similar for Groups 1 and 2 and slightly lower for Group 3 where the real estate fundamentals (end values relative to cost) are weakest and the priorities in the London Plan are strongest.
- § Some schemes at the lower end of a group will inevitably be paying a higher percentage of value than those at the top of the next group. This effect would only be avoided if there is a structure with 33 zones directly proportional to house prices. However, such a structure would be more complex and suggests a more exact relationship between end value and viability than is borne out by the historical evidence.
- § The removal of any “double count” between the S106 and CIL policies removes any unfairness that would otherwise have occurred.
- § Using average house prices per Borough as a proxy for economic viability is the most workable approach as it matches with the sector with the highest likely development (residential), which correlates well with commercial activity.
- § Generally speaking, the higher the value of a completed development over and above the existing use value, the more attractive the development. However, attractiveness needs to be aligned with opportunity. Historical experience suggests that development has been high in some Boroughs with below average house prices, and weak in some Boroughs with high average house prices, suggesting that increasing costs (by CIL) is less likely to impact on development volumes than availability of suitable land.
- § Movements in variables such as construction costs and capital values over the development cycle are likely to have far greater impacts on viability than CIL at the levels suggested in this paper.
- § Based on the preferred scenario, the target of £300m (excluding admin) is raised towards the end of the financial year 2018/2019.
- § Overall we conclude that CIL at the levels proposed will not put at serious risk the overall development of Greater London because of any impact on development viability.

3.13 The Mayor has therefore retained the three Charging Zones (1-3) originally proposed with rates of £50, £35 and £20 per square metre of development. Bromley is and was in Zone 2.

3.14 The only exemptions from CIL under the Regulations are social housing and development by charities of their own land for their charitable purposes.

3.15 The objections which the Council raised at the earlier consultation stage relating to the principle involved, the banding and the basis on which the Charging Schedule operates and the loss of valuable resources to Bromley all remain relevant in the absence of charge.

## 4. POLICY IMPLICATIONS

4.1 The Bromley Supplementary Planning Document (SPD) on Planning Obligations was adopted in December 2010 and complies with the Community Infrastructure Levy Regulation and The London Plan 2008.

## 5. FINANCIAL IMPLICATIONS

- 5.1 From April 2012 the responsibility for administration, invoicing, collecting and delivering the Mayors CIL will be undertaken by the Council, whilst retaining 4% towards such costs. This equates to £1.40 for every £35 per square metre the Council collects for the Mayor CIL.

## 6. LEGAL IMPLICATIONS

- 6.1 Once set and adopted the Mayor's CIL will be mandatory.

## 7. PERSONNEL IMPLICATIONS

- 7.1 As the proposed CIL involves a provision for the Council to retain 4% to fund administration, this assumes additional staff resources will be needed to deliver these sums to the Mayor.

<b>Non-Applicable Sections:</b>	
Background Documents: (Access via Contact Officer)	Planning Act 2008 The London Plan 2008 and Draft London Plan 2009 DCC report 20 <sup>th</sup> October 2009 – Community Infrastructure Levy CLG – Community Infrastructure Levy Regulation – April 2010 Mayor's Preliminary Draft Charging Schedule – January 2011

# Agenda Item 9

Report No.  
DRR11/00056

London Borough of Bromley

PART 1 - PUBLIC

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

**Date:**                      **30th June 2011**

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

**Title:**                      **DRAFT PLANNING POLICY STATEMENT "PLANNING FOR TRAVELLER SITES" : RESPONSE TO GOVERNMENT CONSULTATION**

**Contact Officer:**      Gill Slater, Planner  
Tel: 020 8313 4492      E-mail: gill.slater@bromley.gov.uk

**Chief Officer:**              Chief Planner Bob McQuillan

**Ward:**                      Boroughwide

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1.      Reason for report

Last August the Government announced its intention to replace the current traveller circulars (01/2006 and 04/2007) with a new, light-touch single Planning Policy Statement. The report highlights key features of the Government's Gypsy & Traveller Policy outlined in the Localism Bill as they relate to the draft Planning Policy Statement. The suggested detailed response to the consultation questions are set out in Appendix I.

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2.      **RECOMMENDATION**

**Members note the report and endorse the proposed response in Appendix I.**

### Corporate Policy

1. Policy Status: N/A.
  2. BBB Priority: N/A.
- 

### Financial

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

### Staff

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

1. Legal Requirement: Non-statutory - Government guidance.
  2. Call-in: Call-in is not applicable.
- 

### Customer Impact

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

### Ward Councillor Views

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

### **3. COMMENTARY**

- 3.1** The draft PPS Policy Background highlights the Government's intention to make it clear that abuse of the planning system by a small minority of travellers will not be tolerated. Measures requiring primary legislation are set out in the Localism Bill. These measures are designed to crack down on unscrupulous developers who have been "playing the system" by drawing out the period of appealing against enforcement action by also submitting a retrospective application for planning permission. The Bill also includes a range of measures to strengthen the powers that local authorities have to enforce against breaches of planning control, including an increase in penalties for non compliance with a Breach of Condition Notice, increasing the maximum fine from £1,000 to £2,500.
- 3.2** The draft Planning Policy Statement "Planning for Traveller Sites", is proposed to replace the existing traveller circulars (01/2006 "Planning for Gypsy and Traveller Caravan Sites" and 04/2007 "Planning for Travelling Show People"). It sets out 8 policy areas (A-G) which cover the use of evidence, plan making, development management and transitional arrangements.
- 3.3** The draft PPS is written in a situation where the London Plan is the only retained spatial strategy (adoption anticipated later this year) and therefore some of the comments in the draft statement need to be caveated in this regard.
- 3.4** The draft PPS proposes that local authorities produce a "robust evidence base" to identify sites within their plans that enable continuous delivery of sites for at least 15yrs from the date of adoption and identify specific deliverable sites for the first five years, "in the light of historical demand".
- 3.5** During the production of the draft London Plan, Bromley has been involved in considerable negotiations and made representations at the Examination in Public (EiP) to ensure that the provision of traveller sites is based, not simply on historic demand, but also on the capacity of the borough to provide sites. Bromley argued effectively that pitches in London were a strategic London-wide matter, and that need should not necessarily be met where it arises, which would result in the responsibility for provision falling heavily on a few individual Boroughs. The EiP Panel agreed with Bromley's argument and in their report on the draft London Plan (March 2011) significantly reduced the pitch contribution for Bromley. Whilst the pitch requirements in the EiP Panel report are expressed sub regionally, they will, in practice, be made up by the contributions of individual boroughs set out in the panel report.
- 3.6** The approach to pitch provision, based on the EiP Panel recommendations has helped the Council win the recent appeal at Archie's Stables. The response to the draft PPS consultation question highlights the role of the London Plan in ensuring strategic London-wide provision of pitches, thus avoiding over reliance on provision by boroughs, such as Bromley, with a higher historic demand.
- 3.7** Detailed responses to the set consultation questions are set out in Appendix I.

## 4 POLICY IMPLICATIONS

- 4.1 The Planning Policy Statement will replace the guidance in the existing circulars for the purposes of plan making and development control functions.

<b>Non-Applicable Sections:</b>	Financial, Personnel and Legal
Background Documents: (Access via Contact Officer)	“Planning for Traveller Sites” Consultation (CLG April 2011) <a href="http://www.communities.gov.uk/publications/planningandbuilding/travellersitesconsultation">http://www.communities.gov.uk/publications/planningandbuilding/travellersitesconsultation</a> “A plain English guide to the Localism Bill” (CLG Jan 2011) <a href="http://www.communities.gov.uk/publications/localgovernment/localismplainenglishguide">http://www.communities.gov.uk/publications/localgovernment/localismplainenglishguide</a> “Draft Replacement London Plan - Report of the Panel” (March 2011) <a href="http://www.london.gov.uk/london-plan-ejp">http://www.london.gov.uk/london-plan-ejp</a>



# Planning for traveller sites

## Consultation response form

When complete please email to: [travellerspps@communities.gsi.gov.uk](mailto:travellerspps@communities.gsi.gov.uk)

Alternatively, we would be happy to receive responses by post. Please send to:

Paul Williams  
Planning – Economy and Society Division  
Department for Communities and Local Government  
1/G6 Eland House  
Bressenden Place  
London SW1E 5DU

**The deadline for submissions is Wednesday 6 July 2011.**

## (a) About you

### (i) Your details

Name:	Gill Slater
Position:	Planner (Policy)
Name of organisation (if applicable):	London Borough of Bromley
Address:	Bromley Civic Centre, Stockwell Close, Bromley BR1 3UH
Email:	<a href="mailto:gill.slater@bromley.gov.uk">gill.slater@bromley.gov.uk</a>
Telephone number:	0208 313 4492

### (ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response	<input checked="" type="checkbox"/>
Personal views	<input type="checkbox"/>

**(iii) Please tick the *one* box which best describes you or your organisation:**

Voluntary sector or charitable organisation	<input type="checkbox"/>	
Relevant authority (i.e. district, London borough, county council)	<input checked="" type="checkbox"/>	
Parish council	<input type="checkbox"/>	
Business	<input type="checkbox"/>	
Other public body (please state)	<input type="checkbox"/>	
Other (please state)	<input type="checkbox"/>	

**(iv) Do your views or experiences mainly relate to a particular type of geographical location?**

City	<input type="checkbox"/>	
London	<input checked="" type="checkbox"/>	
Urban	<input type="checkbox"/>	
Suburban	<input checked="" type="checkbox"/>	
Rural	<input checked="" type="checkbox"/>	
Other (please comment)	<input type="checkbox"/>	

**(vi) Would you be happy for us to contact you again in relation to this consultation?**

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>



## (b) Consultation questions

**Q1.** Do you agree that the current definitions of “gypsies and travellers” and “travelling showpeople” should be retained in the new policy?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

This existing planning definition is important to differentiate those with a land use requirement for pitches from the broader cultural definition which include many gypsies and travellers who have no experience of a nomadic lifestyle.

The land use requirements of travelling show people are distinctly different

**Q2.** Do you support the proposal to remove specific reference to *Gypsy and Traveller Accommodation Needs Assessments* in the new policy and instead refer to a “robust evidence base”?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

The name is irrelevant - what is important is that there are a clear set of guidelines as to what constitutes a "robust evidence base". Without clear guidelines there will be an inconsistency in approach between Councils. Councils with an historically larger number of gypsies and travellers would be under greater pressure to provide further pitches than neighbouring councils - increasing tensions with the local settled community - in direct contradiction to the Governments stated intention.

In London there has already been a GTANA. ANA in respect of the maximum figure & psychological aversion, however, The London Plan EIP Panel highlighted the flaws in the London GTANA (Gypsy and Traveller Accommodation Needs Assessment) whilst recognising the need for a robust evidence base. The Panel have made sound recommendations to address these flaws and suggested appropriate pitch figures for individual London Boroughs as part of a sub regional approach.

Policy B (e) enables joint development plan (documents). It is important that the London Plan's strategic policy role in setting pitch targets, as recommended by the EIP Panel, is explicitly confirmed.

Inconsistencies between individual evidence bases in London (which is recognised by the EiP Panel as a single strategic area in respect of Gypsy & Traveller pitch provision) would lead to repeated challenges of evidence bases at appeals, with all the additional costs and tensions that would involve.

**Q3.** Do you agree that where need has been identified, local planning authorities should set targets for the provision of sites in their local planning policies?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

This is a strategic Londonwide issue and will be part of the London Plan. It is not therefore necessary in the Local Development Framework

**Q4.** Do you think that local planning authorities should plan for "local need in the context of historical demand"?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

In an individual London Borough context this approach is completely inappropriate. London as a whole should consider historical demand, however, for each borough to individually consider historical demand creates several problems, which the London Plan EiP Panel have addressed in some detail.

Panel report para 3.127 "the inescapable conclusion is that in the context of London which is acknowledged as being a single, albeit complex, strategic housing market area, a solution reliant wholly on Boroughs acting individually is unlikely to meet the demonstrable need for significantly increased numbers of pitches for Gypsies and Travellers"

Also the time frame of "historical demand" will be important - In some areas the historic demand has been constrained as sites were closed.

Panel report para 3.140 highlights the "much criticised closures of sites without replacement which has had the effect of deflating apparent need" in certain London Boroughs. "Conversely, the high levels of past provision made or accepted in South East and North East London in the past, in

particular in LB Bromley and LB Havering, has the effect of inflating apparent need in those areas". As a result the panel made adjustments to the suggested figures to compensate for the closure of sites (which simply ignored the "historical demand" at that time).

**Q5.** Do you agree with the proposal to require local planning authorities to plan for a five-year supply of traveller pitches/plots?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

This would be inconsistent with the EiP Panel recommendations for provision across London for the period up to 2017

**Q6.** Do you agree that the proposed wording of Policy E (in the draft policy) should be included to ensure consistency with Planning Policy Guidance 2: *Green Belts*?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

This is problematic for many outer London Boroughs, where land is highly constrained and where, for historical reasons, current provision is located within the Green Belt (both permanent sites and long term temporary permissions).

The removal of these sites from Green Belt could prove highly contentious and create significant local tensions.

**Q7.** Do you agree with the general principle of aligning planning policy on traveller sites more closely with that on other forms of housing?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

**The land use issues are distinctly different and as the EiP report recognised there is a need for a different approach to traveller sites.**

**Q8.** Do you agree with the new emphasis on local planning authorities consulting with settled communities as well as traveller communities when formulating their plans and determining individual planning applications to help improve relations between the communities?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

**We already consult with representatives of the Gypsy & Traveller community.**

**Q9.** Do you agree with the proposal in the transitional arrangements policy (paragraph 26 in the draft policy) for local planning authorities to “consider favourably” planning applications for the grant of temporary permission if they cannot demonstrate an up-to-date five-year supply of deliverable traveller sites, to ensure consistency with Planning Policy Statement 3: *Housing*?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

**This would be inconsistent with the EiP comment on the London Plan and if the London Plan is adopted as recommended, national policy would be at odds with the London Plan.**

**Q10.** Under the transitional arrangements, do you think that six months is the right time local planning authorities should be given to put in place their five-year land supply before the consequences of not having done so come into force?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

See earlier responses regarding five year land supply.

**Q11.** Do you have any other comments on the transitional arrangements?

Yes	<input checked="" type="checkbox"/>
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No	<input type="checkbox"/>
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Comment:

**This suggestion would be at odds with the advice in paras 109 - 110 of Circular 11/95 on the use of conditions in planning permission**

**Q12.** Are there any other ways in which the policy can be made clearer, shorter or more accessible?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

**There needs to be clarity about the position in respect of the London Plan - paras 1.8 & 2.9 refer to the abolition of regional strategies and the traveller pitch targets they contain. The London Plan has not been abolished and for the reasons outlined in questions 2 & 4 above, the detailed assessment and recommendations of the EiP Panel report (paras 3.104 - 3.145) should be taken into account**

**<http://www.london.gov.uk/london-plan-eip>**

**The policy should refer to paras 2.16 - 2.19 of the Policy Background with an explicit reference to the Governments commitment to effective enforcement and the prevention of abuse of the planning system.**

**Q13.** Do you think that the proposals in this draft statement will have a differential impact, either positive or negative, on people because of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation? If so, how in your view should we respond? We are particularly interested in any impacts on (Romany) Gypsies and (Irish) Travellers and welcome the views of organisations and individuals with specific relevant expertise. (A draft Equalities Impact Assessment can be found at Annex C.)

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:



## (c) Consultation questions on the impact assessment

The impact assessment is annexed to the consultation document. It is a consultation stage impact assessment, which analyses the costs and benefits of the policy options alongside the 'do nothing' baseline.

### General questions about the impact assessment

**Q1.** Do you think that the impact assessment broadly captures the types and levels of *costs* associated with the policy options? If not, why not?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

**As above**

**Q2.** Do you think that the impact assessment broadly captures the types and levels of *benefits* associated with the policy options? If not, why not?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

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**Q3.** Are there any significant costs and benefits that we have omitted? If so, please describe including the groups in society affected and your view on the extent of the impact.

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

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**Q4.** Do you agree that the impact assessment reflects the main impacts that particular sectors and groups are likely to experience as a result of the policy options? If not, why not?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

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**Q5.** 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?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

Risk 1 (pg 76) - The consultation indicates that the risk will be mitigated by the resumption of the site grant and the New Homes Bonus. Attention is drawn to the London Plan EiP Panel findings para 3.130 indicating that the New Homes Bonus would be insufficient benefit in London because of the land requirements. Social housing developments which would be at significantly higher density could deliver a higher NHB.
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**Q6.** Are there any other relevant key sources of evidence relating to the policy or the effectiveness of the suggested options that have been omitted? If so, please provide details.

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

Note the London Plan EiP Panel recommendations report para 3.126 regarding the effectiveness of past policies
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**Q7.** Are there any significant risks or unintended consequences we have not identified? If so, please describe.

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>



Comment:

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**Specific questions about the proposed policies in the impact assessment**

**Q8.** Do you think there are any other benefits to retaining the existing policy (Option 1, do nothing), and whether these can be quantified?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

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**Q9.** Can you identify – in quantitative terms if possible – whether you think there would be any benefits to Option 2 (withdraw circulars 01/2006 and 04/2007 and do not replace them)?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

Appeals would be fought on the grounds of Human Rights Legislation rather than planning
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**Q10.** Please comment on whether you envisage any extra costs to local planning authorities associated with the assessment of need for traveller sites in their areas, over and above those which they experience at present.

Comment:

<b>Significant costs - The time &amp; money invested in the development of the London Plan targets which has just come to a conclusion with the recommendations of the EiP panel would be completely wasted.</b>
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**Q11.** Please give your view on the scale of the time and money benefits which will accrue to local planning authorities as a result of being able to set traveller site targets locally.

Comment:

Assuming no re assessment is required (EiP recommendations endorsed) there could be savings in respect of appeals and enforcement.

**Q12.** Please give your view on whether the transitional period envisaged will lead to any extra costs – and what those might be in monetised terms.

Comment:

**See earlier responses**

**Q13.** Please give your view on the extent to which, and rate at which, you consider new sites will come forward as a result of the new approach.

Comment:

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**Q14.** Is the draft policy likely to have any significant monetary benefit in terms of protection of the Green Belt, and, if so, what this is likely to be?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Comment:

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**Q15.** Do the familiarisation costs estimated for local planning authorities appear reasonable? Please give your view on the assumptions made in this calculation.

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

Familiarisation with the new guidance may be fairly rapid. What will take the time will be trying to anticipate where the gaps in detail, identified in responses to earlier questions, leave Councils in respect of individual cases.

**Q16.** Do the estimated administrative savings for local planning authorities, as a result of streamlining national planning policy, seem reasonable? Please give your view on the assumptions made in this calculation.

Yes	<input type="checkbox"/>
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No	<input checked="" type="checkbox"/>
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Comment:

No - understanding the new guidance may be straightforward but applying it will be far more complicated.
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**Q17.** Are there any significant costs and benefits that we have omitted? If so, please describe including the groups in society affected and your view on the extent of the impact.

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

As above - brevity of guidance leaves much to be argued out at appeal and in the courts. At a cost to the Council tax payer and increased tensions between the settled & travelling community.
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**Q18.** Do you think that the draft policy is likely to have any impact, positive or negative, on travelling showpeople as an economic group?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

In Bromley we have an effective relationship with our travelling show people and were commended in the London Plan EiP panel report (para 3.144) for a recent expansion to their site. If the panels recommendations are not accepted and endorsed in the new national policy there will inevitably be an impact on the travelling showpeople.
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**Q19.** Are there any significant risks or unintended consequences we have not identified? If so, please describe.

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

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**Q20.** Do you think there are any groups disproportionately affected?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

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**END**

Report No.  
RES11024

London Borough of Bromley

PART 1 - PUBLIC

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

**Date:**                      **30<sup>th</sup> June 2011**

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

**Title:**                      **LOCAL DEVELOPMENT FRAMEWORK: ENERGY  
REDUCTION AND RENEWABLE ENERGY**

**Contact Officer:**      Kerry Nicholls, Democratic Services Officer  
Tel: 020 8313 4602      E-mail: kerry.nicholls@bromley.gov.uk

**Chief Officer:**              Mark Bowen, Director of Resources

**Ward:**                      Borough-wide

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1.      Reason for report

1.1      In April 2011 (ES11052), the Improvement and Efficiency Sub Committee resolved (Minute 45) that:

“The Development Control Committee be requested to consider the inclusion of energy efficiency and renewable energy generation measures in future developments across the Borough as part of the Local Development Framework.”

1.2      This report therefore identifies work undertaken as part of the development of the Local Development Framework to promote the inclusion of energy efficiency and renewable energy generation measures in future developments across the Borough.

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2.      **RECOMMENDATION(S)**

**That Development Control Committee:**

2.1      Considers this report and the work undertaken as part of the development of the Local Development Framework to promote the inclusion of energy efficiency and renewable energy generation measures in future developments across the Borough.

### Corporate Policy

1. Policy Status: New policy. Local Development Framework
  2. BBB Priority: Quality Environment. Vibrant Thriving Town Centres
- 

### Financial

1. Cost of proposal: N/A
  2. Ongoing costs: N/A.
  3. Budget head/performance centre: N/A
  4. Total current budget for this head: £N/A
  5. Source of funding: 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. Legal Requirement: Statutory requirement.
  2. Call-in: Call-in is applicable
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Borough residents and those employed in and visiting the Borough.
- 

### Ward Councillor Views

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

### 3. COMMENTARY

Members are advised that the report 'Core Strategy- Local Areas, Strategic Themes and Issues' considered at this Committee's March meeting included the themes 'Our Valued Environment' and 'Climate Change and Environmental Considerations'. The Core Strategy as the overarching policy document within the LDF will include strategic level policies in relation to energy efficiency and renewable energy generation measures. The Council's detailed approach will be reflected in further development control policies and the application of building control regulations.

The Mayor's London Plan requirements for energy efficiency are already applied by Bromley as by other boroughs. As Members will be aware conditions are attached to planning approvals where appropriate.

The Executive at its meeting May 25<sup>th</sup> 2011 authorised consultation on the Draft Core Strategy Issues Document over the summer as part of the Local Development Framework preparation.

### 4. POLICY IMPLICATIONS

Bromley 2020 as the agreed Sustainable Community Strategy for the borough is the starting point for developing the Core Strategy together with other Bromley key documents. Energy efficiency and renewal energy are particularly relevant to the Building a Better Bromley priorities, of an Excellent Authority and A Quality Environment.

### 5. LEGAL IMPLICATIONS

The Local Development Framework, and the individual development plan documents have to be developed in accordance with the Planning and Compulsory Purchase Act 2004.

<b>Non-Applicable Sections:</b>	Financial and Personnel
Background Documents: (Access via Contact Officer)	Report No DRR11/044 Core Strategy Issues Document – Consultation Draft (Executive 25/5/11) Report No DRR11/023 Core Strategy- Local Areas, Strategic Themes and Issues (Development Control Committee 8/3/11)

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Report No.  
DRR11/0052

London Borough of Bromley

PART 1 - PUBLIC

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**Decision Maker:** Development Control Committee

**Date:** 15<sup>th</sup> June 2011

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

**Title:** **SECTION 106 AGREEMENTS: UPDATE AND S106 PDS  
WORKING GROUP MONITORING**

**Contact Officer:** Bob McQuillan, Chief Planner  
Claire Martin Head of Finance  
Tel: 020 8313 4554, 020 8313 4286  
E-mail: bob.mcquillan@bromley.gov.uk  
          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 on Section 106 Agreements as requested by the Executive and Resources Policy Development and Scrutiny Committee on 9th June 2010.

The S106 Working Group was set up in December 2009 to examine processes and practices for S106 Agreements. This report updates members on progress with implementing the Working Groups recommendations.

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2. **RECOMMENDATION(S)**

Members are asked to note the report and the contents of the attached Appendices 1-5.

### 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: £3,824,304
  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**

3.1 This is an update following the last report that was submitted to Executive and Resources PDS Committee on August 25<sup>th</sup> 2010.

#### Background information

3.2 The detail of every S106 agreement is stored in at least one of the three Appendices.

3.3 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.

3.4 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.

3.5 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.

3.6 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.

3.7 If a S106 includes obligations from more than one category the details are recorded in each of the relevant appendices.

3.8 The full Appendices cover the period from March 2003 to May 2011 with details of all sealed legal agreements. Copies of these documents are available to view in the Members Room.

3.9 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.

3.10 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

3.11 Appendices 1 to 3 of this report provide details of 12 new agreements since the last update in August 2011. Member should note that 6 of these are variations to agreements to reflect minor amendments to schemes already approved.

3.12 Appendix 1 shows a table with 6 'negative' S106 legal agreements.

- 3.13 Appendix 2 shows a table with 4 new 'positive non-financial' S106 legal agreements. The total net affordable housing gain since August 2010 amounts to 30 units. The full Appendix 2 table shows that since March 2003 the Council sealed legal agreements that will potentially net 1,302 new affordable housing units.
- 3.14 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.
- 3.15 Appendix 3 shows 2 new agreements of specific 'positive' financial gain to the Council plus a payment in lieu which has been activated on an existing agreement.
- 3.16 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.
- 3.17 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.
- 3.18 A complete set of Appendices 1, 2 and 3 has been left in the Members Room.
- 3.19 'Significant' new agreements are as follows: -
- Crystal Palace Park – permission was granted in September 2010 for the landscaping and improvement of Park comprising demolition of and alterations to existing buildings and structures including removal of existing hard surfaces; changes of use including of part of the caravan site to public open space and museum to park rangers base; erection of new buildings and structures for various uses including museum/ park maintenance facilities/ community facility/ information kiosk/ greenhouses/ retail kiosks/ cafes/ toilets/ classroom/ children's nursery/ treetop walk/ college and up to 180 residential dwellings; erection of new regional sports centre including indoor swimming pool; alterations to ground levels with new pedestrian paths/ vehicular access roads/ car park/ highway works/ water features together with associated and ancillary works/ plant and equipment
  - Kelsey House, Perry Hall Road, Orpington – permission was granted for a residential conversion and extension scheme which will provide 30 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 A Supplementary Planning Document (SPPD) on Planning Obligations was approved by DC Committee on December 2010.
- 4.7 This document also incorporate the implication of CIL regulations which came into force on 6<sup>th</sup> April 2010. 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.

#### **4.9 S106 Working Group Update**

- 4.10 Appendix 5 sets out an update against the recommendations from the Working Groups report that was originally agreed by this Committee on 3<sup>rd</sup> December 2009. The most recent report was submitted to the Executive and Resources PDS Committee on June 9<sup>th</sup> 2010.
- 4.11 These updates take into account the adoption of the Supplementary Planning Document on Planning Obligations and the implications of the Community Infrastructure Levy (CIL) Regulations which came into force on 6<sup>th</sup> April 2010.
- 4.12 In light of the publication of the SPD and completion of the monitoring database, Members may consider that the recommendations of the Working Group have been fully completed and further monitoring reports in this respect are not required.

#### **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 7 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	1,248,061	80,000	1,328,061
Education	2,126,829	93,561	2,220,390
Health/Primary Care Trust	730,704	219,768	950,472
Landscape	65,000	0	65,000
Housing	6,171,437	1,821,000	7,992,437
Other	16,839	0	16,839
<b>TOTALS</b>	<b>12,547,370</b>	<b>2,265,329</b>	<b>14,812,699</b>

5.2 Of the £12.5m confirmed sums, £8.9m has been received and £4.4m has been spent, leaving an unspent balance of £4.5m.

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 31.3.11 £	CURRENT OUTSTANDING COMMITMENTS £	LATEST BALANCE AS AT 31.5.11 £
<b>Revenue</b>			
Local Economy, Town Centre, Community Use	95,310	1,000	94,310
Highways/Traffic/Parking	584,156	171,905	412,251
Health/Primary Care Trust	382,712	0	382,712
Landscape	35,000	0	35,000
Other	58,839	10,000	48,839
<b>Total Revenue Balance</b>	<b>1,156,017</b>	<b>182,905</b>	<b>973,112</b>
<b>Capital</b>			
Housing	2,059,763	415,000	1,644,763
Education	374,929	0	374,929
Local Economy	26,500	0	26,500
Community Facilities	848,755	43,755	805,000
Interest accrued to capital S106 agreement	26,655	26,655	0
<b>Total Capital Balance</b>	<b>3,336,602</b>	<b>485,410</b>	<b>2,851,192</b>
<b>Total Section 106 Balance</b>	<b>4,492,619</b>	<b>668,315</b>	<b>3,824,304</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 £15,000 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 Circular5/05 '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. CIL regulation 122 came into force under the Community Infrastructure Levy (CIL) Regulations in April 2010 and 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.
- 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 Executive and Resources PDS Committee 10 <sup>th</sup> August 2010 Executive and Resources PDS Committee 9 <sup>th</sup> June 2010



## SECTION 106 AGREEMENTS REQUIRING A RESTRICTIVE OR 'NEGATIVE' OBLIGATION - CHANGES SINCE AUGUST 2010

Ref No	Current Status	App No	Address	Nature of Application	Date	Legal Agreement	Gain
249	Agreed	06/02388	Land At Nugent Industrial Park Nugent Industrial Park Cray Avenue Orpington Kent	Single storey rear extension to provide loading bay to unit 3 and variation of condition 25 of permission ref 05/00663 stating 'no deliveries and/or loading/unloading of goods or the movement of goods from the service areas shall take place outside the hours of 07.30 to 18.00 hours Monday to Friday and outside 07.30 to 13.00 hours on Saturday nor at any times on Sunday and Bank Holidays' to allow deliveries to Unit 3 only from 07.30 to 18.00 Monday to Saturdays and 10.00 to 12.00 on Sundays and Bank Holidays.	13th March 2007	The definitions and expression set out in the original S106 agreement shall apply to this deed and include the additions set out in clause 2.1 of this agreement. UNILATERAL UNDERTAKING	None
250	Agreed	05/03387	Land At Nugent Industrial Park Nugent Industrial Park Cray Avenue Orpington Kent	Extension of block C to provide two Class A1 retail units with additional parking and associated servicing without compliance with condition 24 of permission granted under ref. 05/00663	26th April 2007	The owner on completion of the retail park, agrees to maintain the footpath and will accordingly strictly comply at all times with the Council's requirements and specification in respect of maintenance and repair of that park of the public footpath. Travel plan	None
251	Agreed	07/03897	Crystal Palace Park Thicket Road London SE20 8DT	Comprehensive phased scheme for landscaping and improvement of Park comprising demolition of and alterations to existing buildings and structures including removal of existing hard surfaces; changes of use including of part of the caravan site to public open space and museum to park rangers base; erection of new buildings and structures for various uses including museum/ park maintenance facilities/ community facility/ information kiosk/ greenhouses/ retail kiosks/ cafes/ toilets/ classroom/ children's nursery/ treetop walk/ college and up to 180 residential dwellings; erection of new regional sports centre including indoor swimming pool; alterations to ground levels with new pedestrian paths/ vehicular access roads/ car park/ highway works/ water features together with associated and ancillary works/ plant and equipment (Part Outline/Part Full Application)	7th September 2009	To give the Council immediate written notice of any change in ownership of any of its interests in the Site occurring before all the obligations under this Agreement have been discharged.The LDA cannot carry out any works on its land to implement the development unless planning obligations in paragraphs 2 and 3 have been complied with. The LDA's land cannot be used for purposes authorised by the planning permission unless the obligations in paragraph 2, 3 and 4 have been complied with.Paragraph 2 concerns the LDA's role as Masterplan Co-ordinator, including supporting the council in discussion with the 4 adjacent boroughs regarding funding and governance of the development.Paragraph 3 concerns the responsibilities of the Masterplan co-ordinator, a draft phasing plan needs to be submitted to the council before implementation of the development.The Masterplan co-ordinator shall use reasonable endeavours to promote delivery of the development.The Masterplan co-ordinator and the council shall secure funding towards the cost of carrying out the phased delivery of the development. Paragraph 4 concerns  the LDA using reasonable endeavours to assist the Caravan Club Ltd to find a suitable alternative location for the Caravan Club, to enable development on the Club site before 01/01/2019.	

Ref No	Current Status	App No	Address	Nature of Application	Date	Legal Agreement	Gain
252	Agreed	07/03897	Crystal Palace Park Thicket Road London SE20 8DT	Comprehensive phased scheme for landscaping and improvement of Park comprising demolition of and alterations to existing buildings and structures including removal of existing hard surfaces; changes of use including of part of the caravan site to public open space and museum to park rangers base; erection of new buildings and structures for various uses including museum/ park maintenance facilities/ community facility/ information kiosk/ greenhouses/ retail kiosks/ cafes/ toilets/ classroom/ children's nursery/ treetop walk/ college and up to 180 residential dwellings; erection of new regional sports centre including indoor swimming pool; alterations to ground levels with new pedestrian paths/ vehicular access roads/ car park/ highway works/ water features together with associated and ancillary works/ plant and equipment (Part Outline/Part Full Application)	23rd September 2010	No development shall be carried out on the northern land unless a planning agreement has been entered into by the Council and persons with a land interest in Rockhills – draft attached.  No development shall be carried out on the southern land unless a planning agreement has been entered into by the Council and persons with a land interest in Sydenham Gate – draft attached.	REST
253	Agreed	09/01483	23 Tweedy Road Bromley BR1 3PR	Two storey rear extension and conversion into 1 three bedroom 4 one bedroom and 1 two bedroom flats with one car parking space	27th July 2010	The residents will not be able to apply for a parking permit	REST
258	Agreed	08/03796	Cedar Farm Cudham Lane South Cudham Sevenoaks Kent TN14 7OD	Detached two storey 6 bedroom dwelling (Amendments to dwelling granted under permission 05/00617) RETROSPECTIVE APPLICATION	15th February 2011	To include application reference 08/03796/FULL6 in the s106 agreement DEED OF VARIATION see 175 for original.	

## SECTION 106 AGREEMENTS REQUIRING 'POSITIVE' NON-FINANCIAL OBLIGATION - CHANGES SINCE AUGUST 2010

Ref No	App No	Address	Nature of Application	Date	Legal Agreement	Gain (Units)	Status	Closed Date
248	09/02881 & 08/01690	Anerley School For Boys Versailles Road Penge London SE20 8AX	Four storey block with basement car park for 33 cars and bicycle parking (Block D) and four storey block (Block E) comprising 92 flats (32 studio/ 28 one bedroom/ 13 two bedroom/ 19 three bedroom) and 23 surface car parking spaces and formation of vehicular and pedestrian access OUTLINE	19th August 2010	Paragraph relating to affordable housing in the previous legal agreement shall be deleted and substituted by the following: "Dwellings comprising 47.5% of the total number of habitable rooms being a total of 32 apartments comprising 19 three-bed apartments and 13 two-bed apartments." DEED OF VARIATION	0		
254	10/00756	Sussex House, 8 - 10 Homesdale Road, Bromley Br2 9LZ	Six storey block comprising 12 one bedroom, 19 two bedroom and 1 three bedroom flats (including bicycle parking and refuse/recycling storage within block) and 20 car parking spaces	8th December 2010	Obligations within the agreement dated 11th September 2009 shall also apply to planning permission ref. 10/00756	0		
257	10/01675	Kelsey House 2 Perry Hall Road Orpington Kent BR6 0HS	Three storey rear extension and rooftop stairwell extension and conversion of Kelsey House to provide 4 one bedroom, 11 two bedroom and 6 three bedroom flats and erection of three storey block comprising 3 one bedroom, 3 two bedroom and 3 three bedroom flats with 32 car parking spaces and associated bicycle parking and refuse storage.	4th February 2011	30 affordable units	30		
259	07/04544	Orpington Halls 311 High Street Orpington Kent BR6 0NN	Five storey block comprising restaurant (Class A3) on ground floor/ replacement community hall (Class D1) on first floor/ 19 flats on upper floors OUTLINE	3rd March 2011	To amend the Affordable Housing Schedule as contained in schedule 3 of the principal agreement. Definitions amendment DEED OF VARIATION	0		
			<b>TOTAL NUMBER OF UNITS SINCE AUGUST 2010</b>			<b>30</b>		

SECTION 106 AGREEMENTS REQUIRING A 'POSITIVE' FINANCIAL OBLIGATION - CHANGES SINCE AUGUST 2010

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		
202	07/00336	102 Martins Road, Bromley BR2 0EF	Four storey block comprising retail shop (Class A1) and 4 car parking spaces on ground floor and 8 one bedroom and 4 two bedroom flats on upper floors	20/11/07	Provision of the entire affordable housing requirement in respect of the Ruxley Court development is secured off-site at the 102 Martin's Road. 12 units, see also 06/03037. As written in paragraph 8 and 9, of the agreement the owner will pay the wheelchair payment of £3,604 + BCIS index figure.	wheelchair payment: £3,838.80 (Payment in lieu activated)	No						£3,839			
255	09/02919	135 Albermarle Road, Beckenham BR 3 5HS	Demolition of 135 and 137 Albermarle Road and erection of four storey block comprising 8 one bedroom and 10 two bedroom flats and rear two storey block comprising 2 two bedroom flats with 8 covered car parking spaces and bicycle parking and 12 external car parking spaces OUTLINE	28th April 2010	To pay the sum of £50,000 towards an affordable housing PIL, on or before first occupation of the units UNILATERIAL UNDERTAKING	£50,000 affordable housing PIL	No							£50,000		
256	09/02191	Enterprise House, 45, Homesdale Road, Bromley BR2 9LY	Block between two and six storeys high with semi-basement parking area comprising 82 flats (21 one bedroom/ 55 two bedroom/ 6 three bedroom) with 82 car parking spaces/ cycle parking/ refuse storage (amendments to scheme permitted under ref 08/01469/FULL1 to change internal floor layouts and external appearance including for wheelchair accessible homes/ to windows/ increase in height to provide parapet to roof)	27th Jan 2011	Obligations within the agreement dated 3rd July 2009 shall also apply to planning permission ref. 09/02191. Amendments to the Affordable housing schedule. To pay on completion of the deed a housing contribution of £4,000, the council will repay any unspent funds within 5 years	£4,000 affordable housing contribution	No							£4,000		
TOTAL SECTION 106 CONTRIBUTIONS										£0	£0	£0	£0	£0	£3,839	£54,000

## REVENUE ITEMS

Dept. Anal.	Public register ref	Address of application	Use of monies	31st March 2011	Movement during 2010/11	Commitments	Movement during 2010/11	Transferred to Capital	Balance as at 31.5.11	Time Limit for spend
					Expenditure		Income			
				£	£	£	£			
		<b>CCTV</b>								
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	April 2009
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	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	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	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	(2,000.00)	0.00	0.00	0.00	0.00	(2,000.00)	May 2015
		<b>Total for Highway improvement works</b>		<b>(491,400.00)</b>	<b>0.00</b>	<b>150,000.00</b>	<b>0.00</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	(29,833.00)	0.00	0.00	0.00	0.00	(29,833.00)	Dec 2014
		<b>Total Road Safety &amp; cycle schemes</b>		<b>(29,833.00)</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>(29,833.00)</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
F0644	187	Tesco Stores, Croydon Road	£50k towards Town Centre Initiatives	(50,000.00)	0.00	0.00	0.00	0.00	(50,000.00)	Jan 2016
		<b>Total Local Economy &amp; Town Centres</b>		<b>(95,310.00)</b>	<b>0.00</b>	<b>1,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>(94,310.00)</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	Jan 2009
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	0.00	(2,658.88)	Sept 2011
F0646	185	101 Palace Road Bromley	£3000 for white lining car parking spaces and restoring 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
F0672	100	Land At Jct With Crowhurst Way & Rookery Gdns Rookery Gardens, Orpington		4,140.46	0.00	0.00	0.00	0.00	4,140.46	
		<b>Total parking schemes</b>		<b>(62,923.01)</b>	<b>0.00</b>	<b>21,904.59</b>	<b>0.00</b>	<b>0.00</b>	<b>(41,018.42)</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	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	0.00	(10,000.00)	Oct 2013
F0681	191/202	102 Martins Rd Bromley	£3,838.80 wheelchair payment	(3,838.80)	0.00	0.00	0.00	0.00	(3,838.80)	Feb 2016
		<b>Total other minor schemes</b>		<b>(13,838.80)</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>(13,838.80)</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	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	0.00	(66,000.00)	June 2011
F0643	180	James Dixon Schi site Anerly Park	£26,496 for Health	(26,496.00)	0.00	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

Dept. Anal.	Public register ref	Address of application	Use of monies	31st March 2011	Movement during 2010/11	Commitments	Movement during 2010/11	Transferred to Capital	Balance as at 31.5.11	Time Limit for spend
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	(7,695.00)	0.00	0.00	0.00	0.00	(7,695.00)	May 2014
F0628	233	Garrard House, 2-6 Homesdale Road Bromley	£35k for Health Care	(35,000.00)	0.00	0.00	0.00	0.00	(35,000.00)	Sept 2015
F0668	228	Land at former 1-23 Orchard Grove Orpington	£98,240 for healthcare contribution	(98,240.00)	0.00	0.00	0.00	0.00	(98,240.00)	June 2014
F0675	237	Oatlands 210 Anerley Road Penge	£26270 healthcare contribution	(26,270.00)	0.00	0.00	0.00	0.00	(26,270.00)	Mar 2016
				(382,712.00)	0.00	0.00	0.00	0.00	(382,712.00)	
<b>Total S106 Revenue Balance as at 30.6.10</b>				<b>(1,156,016.81)</b>	<b>0.00</b>	<b>182,904.59</b>	<b>0.00</b>	<b>0.00</b>	<b>(973,112.22)</b>	

CAPITAL ITEMS

<b>Housing</b>										
F0633	164	SIRA South Hill Chislehurst	£1,485,000 affordable housing	(155,763.20)	0.00	155,763.20	0.00	0.00	0.00	June 2011
F0628	166	Garrard House, 2-6 Homesdale Road Bromley	Housing	(1,175,000.00)	0.00	259,236.80	0.00	0.00	(915,763.20)	Aug 2012
F0635	167	Oakwood Court, Bromley Road	£725k towards affordable housing	(725,000.00)	0.00	0.00	0.00	0.00	(725,000.00)	June 2015
F0670	256	Enterprise Hse, 45 Homesdale Road	£4,000 - affordable housing contribution	(4,000.00)	0.00	0.00	0.00	0.00	(4,000.00)	Feb 2016
		<b>Total Housing</b>		<b>(2,059,763.20)</b>	<b>0.00</b>	<b>415,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>(1,644,763.20)</b>	

<b>Education</b>										
F0622	108	Aquila, Golf Road Bickley	£600k Education	0.00	0.00	0.00	0.00	0.00	0.00	May 2014, March 2015 & Oct 2015
F0633	164	SIRA South Hill Chislehurst	£94,500 for education	0.00	0.00	0.00	0.00	0.00	0.00	June 2011
F0632	172	The George High Street Franborough	£16,764 towards education facilities	0.00	0.00	0.00	0.00	0.00	0.00	Sep 2011
F0647	180	James Dixon Schi site Anerley Park	£27,396 for Education	0.00	0.00	0.00	0.00	0.00	0.00	Aug 2012
F0663	218	The Partridge, Chipperfield Road	£29,140 towards Education	(17,800.00)	0.00	0.00	0.00	0.00	(17,800.00)	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
F0628	233	Garrard House, 2-6 Homesdale Road Bromley	£35k for Education	(35,000.00)	0.00	0.00	0.00	0.00	(35,000.00)	Sept 2015
F0667	227	Land Rear Of Nugent Shopping Park, Cray View Close, St Mary Cray, Orpington	£11,684 for Education	(11,684.00)	0.00	0.00	0.00	0.00	(11,684.00)	May 2014
F0668	228	Land at former 1-23 Orchard Grove Orpington	£174,230 for education contribution	(174,230.00)	0.00	0.00	0.00	0.00	(174,230.00)	June 2014
		<b>Total Education</b>		<b>(374,929.00)</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>(374,929.00)</b>	

<b>Local Economy</b>										
F0624	139	Nugent Estate, Sevenoaks Way Orpington	£1m for local economy	0.00	0.00	0.00	0.00	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>(26,500.00)</b>	<b>0.00</b>	<b>0.00</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	40,000.00	0.00	0.00	(60,000.00)	Dec 2012
F0642	129	Land at Main Road Biggin Hill	£760k towards Heritage Centre	(748,755.00)	0.00	3,755.00	0.00	0.00	(745,000.00)	5 yrs from sale of 80th dwelling
		<b>Total Community Facilities</b>		<b>(848,755.00)</b>	<b>0.00</b>	<b>43,755.00</b>	<b>0.00</b>	<b>0.00</b>	<b>(805,000.00)</b>	

<b>Interest</b>										
F0651		Interest accrued to S106 capital items		(26,654.71)	0.00	26,654.71	0.00	0.00	0.00	None

<b>Total Section 106 Capital balance as at 30.6.10</b>				<b>31.03.09</b>	<b>(3,336,601.91)</b>	<b>0.00</b>	<b>485,409.71</b>	<b>0.00</b>	<b>0.00</b>	<b>(2,851,192.20)</b>
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<b>Total Section 106 Balance as at 30.6.10</b>				<b>(4,492,618.72)</b>	<b>0.00</b>	<b>668,314.30</b>	<b>0.00</b>	<b>0.00</b>	<b>(3,824,304.42)</b>
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Recommendation	Update on outstanding items
<p><b>Recommendation 1:</b> The draft Supplementary Planning Document on Planning Obligations should be updated and adopted as soon as possible, taking into account recent developments on the Community Infrastructure Levy and comments from Members. There should also be clearer guidance on how section 106 money is distributed.</p>	<p>The Supplementary Planning Document (SPD) on Planning Obligations has been updated to reflect changes regarding the Community Infrastructure Levy Regulation and other matters. After submission to Development Control Committee and progression to Executive Committee the SPD was finally adopted by the Council at Executive in December 2010. The SPD table at Appendix 6 clarifies procedures.</p>
<p><b>Recommendation 2:</b> More use should be made of expert advice from the Council's Valuers or from specialist consultants when considering the potential scale of contributions sought under section 106 agreements for major developments.</p>	<p>Following the introduction of CIL Regulation 122 the statutory tests of :-</p> <ul style="list-style-type: none"> <li>a) necessary to make development acceptable in planning terms;</li> <li>b) directly related to the development; and</li> <li>c) fairly and reasonably related in scale and kind to the development,</li> </ul> <p>are the only basis on which section 106 contributions can now be sought. Additionally in current market conditions there are many concerns regarding financial viability. Consequently a level of priority will be applied; Affordable Housing, Education, Health, and Highways. Developers should ensure that viability and planning obligations are reflected in land values from the outset and thus should not threaten scheme viability (SPD paras 1.24, 2.16 and 3.2 refer). With regards to Affordable Housing if scheme viability is affected or where the on-site provision would not create mixed and balanced communities, the applicant must submit a full financial Viability Appraisal (FVA) to be independently assessed and paid for by the client.</p>

<p><b>Recommendation 3:</b> The joint database of section 106 agreements should be maintained and developed to ensure that the benefits from section 106 continue to be maximised.</p>	<p>Development of a joint working database has been completed through the creation of an Access Database populated by information from Uniform (Planning) and Oracle (Finance).</p>
<p><b>Recommendation 4:</b> The possibility of using a broader definition of health needs should be investigated to allow contributions to be applied to other local priorities – for example facilities for older people.</p>	<p>The three statutory tests are the only basis on which section 106 contributions can now be sought. Health is strictly defined by the HUDU model as covering primary and acute care only.</p>
<p><b>Recommendation 5:</b> More emphasis should be placed on the provision of cycle routes and other cycling facilities as part of section 106 agreements.</p>	<p>Supported by Development Control Committee – but the Committee considered that the words “where appropriate” should be added. Provision of cycle routes and cycling facilities is only possible in terms of the three statutory tests (see above). UDP Policy T7 ‘Cyclists’ (paragraphs 5.33 and 5.34 refer), and the Bromley Town Centre Area Action Plan Policy BTC31 ‘Developer Contributions’ support this objective.</p>



Report No.  
DRR11/062

London Borough of Bromley

PART 1 - PUBLIC

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Decision Maker: **Development Control Committee**

Date: **30 June 2011**

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

**TITLE: UPDATE: PLANNING LEAFLETS AND INFORMATION FOR THE PUBLIC**

Contact Officer: Tim Horsman, Assistant Development Control Manager  
Tel: 020 8313 4441 E-mail: tim.horsman@bromley.gov.uk

Chief Officer: Bob McQuillan

Ward: N/A

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1. Reason for report

Update on Planning Leaflets following report from DCC April 2011

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2. **RECOMMENDATION(S)**

Members are asked to note progress

## Corporate Policy

Existing policy:

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## Financial

1. Estimated cost                      Included within existing staff workload
  2. Non-recurring cost
  3. Budget head                      Planning
  4. Total budget for this head    £3.3m
- 

## Staff

1. Number of staff (current and additional) - 2
  2. If from existing staff resources, number of staff hours - 100
- 

## Legal

1. Non-statutory - Government guidance:
  2. Call-in is not applicable:
- 

## Customer Impact

Estimated number of users/beneficiaries (current and projected) - All users of planning process

### 3. COMMENTARY

- 3.1 Following the most recent report to committee in April this report updates the situation with regard to progress on the planning information leaflet project.
- 3.2 Unfortunately training on the new Council website has yet to be rolled out, therefore no progress has been able to be made on the online aspects of the new information, however a selection of draft leaflets have been produced using the topic headings set out in the January 2011 DCC report.
- 3.3 It is anticipated that the remainder of the draft leaflets will be available to DCC on 8 September 2011, along with information regarding changes to the Planning pages of the website to reflect the new categories of information.

<b>Non-Applicable Sections:</b>	POLICY, FINANCIAL, LEGAL, and PERSONNEL
Background Documents: (Access via Contact Officer)	Draft Leaflets

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Report No.  
RES11028

## London Borough of Bromley

### PART 1 - PUBLIC

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**Decision Maker:** Development Control Committee

**Date:** 30 June 2011

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

**Title:** **BIGGIN HILL HERITAGE CENTRE WORKING PARTY**

**Contact Officer:** Lisa Thornley, Democratic Services Officer  
Tel: 020 8461 7566 E-mail: lisa.thornley@bromley.gov.uk

**Chief Officer:** Mark Bowen, Director of Resources

**Ward:** Biggin Hill

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1. Reason for report

- 1.1 This report requests the Committee to reappoint the Biggin Hill Heritage Centre Working Party and to agree the membership for the current year.
- 

**2. RECOMMENDATION**

- 2.1 That the Biggin Hill Heritage Centre Working Party be appointed for the 2011/12 Municipal Year and that the membership comprises Councillors Mrs Anne Manning, Julian Benington and Richard Scoates.

### Corporate Policy

1. Policy Status: N/A.
  2. BBB Priority: N/A.
- 

### Financial

1. Cost of proposal: N/A
  2. Ongoing costs: N/A.
  3. Budget head/performance centre: N/A
  4. Total current budget for this head: £N/A
  5. Source of funding: 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. Legal Requirement: No statutory requirement or Government guidance.
  2. Call-in: Call-in is not applicable. This is not an executive decision.
- 

### Customer Impact

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

### Ward Councillor Views

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

### 3. COMMENTARY

- 3.1 The Biggin Hill Heritage Centre Working Party was established by this Committee in September 1999 (Minute 453) to ensure that the development of the former RAF site and Heritage Centre could be progressed as effectively as possible. The Working Party has no delegated powers but reports and makes recommendations to this Committee.
- 3.2 Although there are no programmed meetings of the Biggin Hill Heritage Centre Working Party, it was agreed at their meeting on 10 September 2009, that meetings should take place as and when necessary in order to keep a watching brief on the development of the Heritage Centre.
- 3.3 The Working Party should comprise four Members made up by, in accordance with proportionality, three Majority (Conservative) Group Members and one Minority Group Member. The Conservative Group has nominated Councillors Mrs Anne Manning, Julian Benington and Richard Scoates. No Minority Group nominations were received.

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

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