



THE LONDON BOROUGH
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DATE: 11 June 2013

To: Members of the
DEVELOPMENT CONTROL COMMITTEE

Councillor Peter Dean (Chairman)
Councillor Alexa Michael (Vice-Chairman)
Councillors Graham Arthur, Douglas Auld, Eric Bosshard, Katy Boughey,
Lydia Buttinger, Nicky Dykes, Simon Fawthrop, Peter Fookes, John Ince,
Russell Jackson, Charles Joel, Mrs Anne Manning, Russell Mellor, Tom Papworth
and Richard Scoates

A meeting of the Development Control Committee will be held at Bromley Civic
Centre on **THURSDAY 20 JUNE 2013 AT 7.30 PM**

MARK BOWEN
Director of Corporate Services

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

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

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

A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 9TH APRIL AND 15 MAY 2013 (Pages 1 - 12)**

4 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

In accordance with the Council's Constitution, questions to this Committee must be received in writing 4 working days before the date of the meeting. Therefore please ensure questions are received by the Democratic Services Team by 5pm on Friday 14 June 2013.

5 REPORT ON LOCAL PLAN 'OPTIONS AND PREFERRED STRATEGY' CONSULTATION (Pages 13 - 46)

6 LB BROMLEY FIVE YEAR HOUSING SUPPLY (Pages 47 - 56)

7 SUPPLEMENTARY PLANNING DOCUMENTS AFFORDABLE HOUSING AND PLANNING OBLIGATIONS: PAYMENTS IN LIEU ADDENDUM (Pages 57 - 62)

8 PLANNING SERVICE IMPROVEMENTS (Pages 63 - 70)

9 PLANNING PERFORMANCE ON IMPROVEMENTS - FOCUS ON ENFORCEMENT (Pages 71 - 92)

10 PLANNING ENFORCEMENT - QUARTERLY MONITORING REPORT (JANUARY - MARCH 2013) (Pages 93 - 100)

11 CHIEF PLANNER DELEGATED POWERS (Pages 101 - 104)

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 9 April 2013

Present:

Councillor Peter Dean (Chairman)
Councillor Alexa Michael (Vice-Chairman)
Councillors Graham Arthur, Katy Boughey, Lydia Buttinger,
Nicky Dykes, Simon Fawthrop, Peter Fookes, John Ince,
Russell Jackson, Charles Joel, Mrs Anne Manning, Russell Mellor,
Tom Papworth, Richard Scoates, Colin Smith and Harry Stranger

Also Present:

Councillor Tony Owen

47 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Douglas Auld and Eric Bosshard; Councillors Colin Smith and Charles Joel attended as their respective substitutes.

48 DECLARATIONS OF INTEREST

There were no declarations of interest.

49 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 28 FEBRUARY 2013

RESOLVED that the Minutes of the Meeting held on 28 February 2013 be confirmed and signed as a true record.

50 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

51 GLA SPG CONSULTATION

Report DRR13/056

As a supplement to town centre policies in the 2011 London Plan, the Mayor of London had recently published a draft Town Centres Supplementary Planning Guidance (SPG). The Mayor had also published an SPG on 'Shaping Neighbourhoods: Character and Context' to help with the implementation of policies in Chapter 7 of the 2011 London Plan, particularly

Policies 7.4 on Local Character and 7.1 on Building London's Neighbourhoods and Communities.

Both SPGs were available for consultation until 12th and 31st May respectively and in order to meet these deadlines, Members were requested to agree that the Council's response to the two draft SPGs be prepared and submitted by the Acting Chief Planner in consultation with the Chairman of the Committee.

Having outlined the report to Members, the Chairman suggested that a response be formulated as recommended and circulated to Members for them to submit any comments or queries prior to the Annual Council meeting scheduled for 15 May.

Referring to the fifth bullet-point of paragraph 3.3 in the draft Town Centres SPG, Councillor Fawthrop was disappointed to note that the guidance focused solely on access to town centres via public transport and contained no reference to the provision of facilities for private transport users such as parking.

Councillor Michael requested that in future, when documents were too large to be appended to reports in paper form, that a web link be circulated for Members to view them electronically. An Executive Summary containing explicit information about the subject matter should also be provided.

Councillor Joel suggested that a copy of the National Planning Policy Framework be circulated with the draft response and that Members be requested to submit comments by no later than a given deadline.

RESOLVED that the Council's response to the public consultation on the GLA Town Centres Draft Supplementary Planning Guidance (2013) and the GLA Shaping Neighbourhoods: Character and Context Draft Supplementary Planning Guidance (2013) be prepared and submitted by the Acting Chief Planner in consultation with the Chairman of the Committee (taking into account any relevant financial or legal implications) and be circulated for Member comments prior to 15 May.

**52 PROPOSED PERMITTED DEVELOPMENT RIGHTS FOR
CHANGE OF USE FROM COMMERCIAL TO RESIDENTIAL:
RESPONSE TO GOVERNMENT REQUEST FOR EXEMPTIONS**

Report DRR 13/055

Members considered the Council's proposed submission to the Department of Communities and Local Government (DCLG), concerning the exemption of specific areas of the Borough from the proposed new rules to allow offices to convert to homes without the need for separate planning permission. The submission was outlined in Appendix A to the report.

Referring to Annex A, page 17, paragraph 3 of the report, Councillor Ince sought clarification on the statement that the Cray Business Corridor

contained over 50% of the Borough's designated business land. Councillor Ince also observed that as the Wards seeking exemption were generally areas of deprivation, a loss of office space would have a major impact on the economy of those areas.

The Acting Chief Planner informed Members that the Cray Valley area also contained a large amount of floor space which, although not currently used as office space, had the potential to be redeveloped or utilised as such.

Councillor Arthur was concerned that the proposed permitted development rights would impact greatly on the Borough's infrastructure. The 'new homes bonus' would not compensate for the reduction of income from business rates as a result of the loss of office space. Councillor Arthur emphasised the need to include for exemption, all areas within the Borough which yielded a high business rate income.

Yeoman House in Penge, Orpington Town Centre and Homesdale Road, Bromley were put forward as possible areas for exemption.

Councillor Mellor objected to the proposals commenting that the Greater London Authority perceived them as having a negative impact on London in the future. He stated that as buildings were designed for a specific purpose or use, former offices would not be suitable for conversion to housing. The 'new homes bonus' was a short term gain as opposed to the long-term gain of business rate income. Councillor Mellor strongly supported the exemption of the key areas as recommended, together with the addition of further identified areas within the Borough.

RESOLVED that Appendix A of the report be endorsed as the Council's submission to the Department of Communities and Local Government.

53 PLANNING PERFORMANCE AND IMPROVEMENTS

Report DRR 13/052

In January 2012, Members endorsed the Outline Planning Improvement Plan as a framework for improvement and identified customer service as the first priority area.

The report before Members focused on the trend of planning application performance and other customer service improvements, together with actions undertaken to date and those proposed for the future.

Visiting Member Councillor Tony Owen addressed the Committee and explained that his interest in planning improvements originated in 2006 when he arranged a presentation on Lean Service Delivery at the Cranfield University School of Management from which a project involving planning improvements had been initiated. Councillor Owen referred to a published book entitled *Delivering Public Services That Work - A Case Study* which illustrated the following:

- Flawed management thinking is the root cause of poor performance.
- Putting staff who can solve people's problems at the first point of contact improves service and reduces cost.
- Performance indicators do not reflect the true customer experience.
- Costs fall when service is improved.
- Improvement is not a one-off activity - it's every day.
- IT should enable the process, not dictate it.

Councillor Owen was pleased to see the improvements outlined in the report however, in relation to the final bullet-point above and the improvements made to the Council's website, Councillor Owen observed that many elderly people were not computer literate and would, therefore, still rely on written correspondence. He requested that the following two areas of customer service be assessed:-

- the length of time taken to process each planning application - many went beyond the normal timeframe; an appropriate software package could be used for this purpose; and
- telephone call monitoring to establish the number of value and fault calls received.

The Chairman thanked Councillor Owen for his contribution to this item. Whilst he was pleased to see a reduction in the amount of time taken to validate applications, he was disappointed to note that no reference to the planning counter service had been made in the report.

The Chairman also highlighted difficulties experienced by members of the public and Councillors when attempting to contact planning staff via telephone. Accessing archived documents within the target time of 24 hours also proved to be a problem with the average time of receipt being approximately 10 days. He suggested that these two problematic areas should be addressed.

Councillor Michael commented that it would be useful if Members were provided with percentage figures for the number of planning applications which had been determined within their target time of 8 weeks for minor applications and 13 weeks for major applications.

Councillor Michael suggested that as enforcement action and untidy sites were important to residents and Members, they should be the next priority of the Planning and Improvement Plan. Councillor Fawthrop agreed and suggested that performance figures should be compared with those of previous years to enable identification of any emerging trends.

Councillor Mrs Manning emphasised the importance of customer service and the need for quality decisions to be made. Whilst improvements had been made during recent years, customer service should continue to be reviewed

on a regular basis. Although on-line work was increasing and improvements had been carried out to the web-site, drawings viewed on-line were still difficult to see clearly.

The Chairman suggested that the Acting Chief Planner give a presentation to Members before the next DC Committee meeting in June to address customer service issues.

Councillor Jackson agreed that enforcement action should be the next priority for review and requested information be provided on the number of long-running legacy cases within each Ward, how they were dealt with and the action being taken to bring them to conclusion.

The Chairman agreed and suggested that an Enforcement Officer be invited to attend the next meeting of the DC Committee.

Councillor Buttinger stated that future reports should be balanced by the inclusion of planning areas which were struggling. Long-term strategies should be implemented to improve targets.

The Acting Chief Planner reported that the improvement in the validation process was due to the fact that the validation of each application was usually dealt with entirely by one Technical Officer (as opposed to several), before being passed on to a Development Control Officer. Since March 2013, a total of 79% of minor applications had been completed compared to the previous figure of 63%. There were currently 650 applications pending as opposed to the 1,100 quoted on page 43 of the report. Figures reported as reductions would be compared with those of previous time periods and circulated to Members at or before the next meeting of the DC Committee.

RESOLVED that:-

- 1. the trend of planning application performance and other Customer Service improvements be noted;**
- 2. the Acting Chief Planner give a presentation to Members before the next DC Committee meeting in June to address customer service issues;**
- 3. the next steps in Customer Service performance, as set out in the report, be endorsed; and**
- 4. planning enforcement and untidy sites communication be the next priority for review.**

54 PLANNING APPEALS - COSTS DECISIONS 2012

Report DRR13/053

Members considered a summary of the award of costs in planning appeals during 2012. Details of individual cost decisions were set out in the appendices to the report.

The Chairman suggested that he, together with the Chairmen of Plans Sub-Committees and the Acting Chief Planner form a Panel Group to draw up guidelines which Members would potentially adhere to when making decisions on planning applications.

Councillor Papworth conveyed his disappointment that costs were being awarded against the Council at the expense of the tax paying public. Decisions taken on what the Planning Inspector deemed to be 'unreasonable behaviour' could be resolved with the introduction of training or guidelines. Appeals lost partly due to decisions being made against officer recommendation could be avoided if Members views were sought.

Councillor Jackson suggested that the figures for costs be compared with those of previous years to see if any trends emerged. The words "unreasonable behaviour" in Planning Inspectors' reports should not be used to describe the reason why applications had been considered as incorrectly judged.

Councillor Mellor agreed with the remarks of Councillor Jackson stating that Members could be judged unreasonable if they decided against officer recommendations. In the majority of cases, Members had the knowledge and experience to decide accordingly.

Councillor Fawthrop reported that several years ago Members had a say in what type of appeal took place; now it was decided by Planning Inspectors. He also stated that 'unreasonable behaviour' could be attributed to some Planning Inspector decisions. Councillor Fawthrop also noted that few claims were made against people whose appeals had been deemed to be unreasonable.

It was agreed that when defending appeals, officers should speak to Committee Members to clarify their reasons for the decision taken. It was noted that there had been occasions when Members overturned officers' recommendations to refuse applications and the appeal had been dismissed.

Councillor Michael reported that the system of appeals had been made easier for applicants with the introduction of the fast-track system and written appeals.

The Chairman empathised with Members' concerns but said the reality was that the Council were losing a lot of money because of the decisions taken by Members and this should be avoided wherever possible. Members must be able to justify any decisions they made including those taken against officer recommendation. The Panel Group would consider ways of minimising appeal costs.

Councillor Jackson suggested that an assessment of the way in which officers build cases to take to appeal should also be undertaken.

RESOLVED that:-

- 1. in order to minimise future planning appeal costs awarded against the Council due to 'unreasonable behaviour', an action plan be prepared and reported to future meetings of the Development Control Committee and the Renewal and Recreation Policy Development and Scrutiny Committee; and**
- 2. the Chairman of DC Committee together with Chairmen of Plans Sub-Committees and the Acting Chief Planner form a Panel Group to assist with the preparation of the action plan.**

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Conclusion of Meeting

As this was the final Development Control Committee meeting of the current Municipal Year, the Chairman thanked Members and officers for their work and support during the last year.

The meeting ended at 8.40 pm

Chairman

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 15 May 2013

Present:

Councillor Peter Dean (Chairman)
Councillor Alexa Michael (Vice-Chairman)
Councillors Graham Arthur, Douglas Auld, Eric Bosshard,
Katy Boughey, Lydia Buttinger, Nicky Dykes, Simon Fawthrop,
Peter Fookes, John Ince, Russell Jackson, Charles Joel,
Mrs Anne Manning, Russell Mellor, Tom Papworth, and
Richard Scoates

1 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Russell Jackson.

2 PROPORTIONALITY

RESOLVED that seats on the Sub-Committees of the Development Control Committee be allocated to political groups as follows:

	Size of Sub-Committee	Allocation		
		Conservative	Labour	Lib/Dem
Plans Sub-Committee No. 1	9	7	1	1
Plans Sub-Committee No. 2	9	7	1	1
Plans Sub-Committee No. 3	9	7	1	1
Plans Sub-Committee No. 4	9	7	1	1

3 APPOINTMENT OF SUB-COMMITTEES

RESOLVED that the following Sub-Committees be appointed for the ensuing Municipal Year, with membership as indicated:-

(i) PLANS SUB-COMMITTEE NO. 1

	Councillors
1	Douglas Auld
2	Katy Boughey
3	Samaris Huntington-Thresher
4	John Ince
5	Anne Manning
6	Alexa Michael
7	Harry Stranger
8	Peter Fookes (LAB)
9	John Canvin (LIB/DEM)

(ii) PLANS SUB-COMMITTEE NO. 2

	Councillors
1	Lydia Buttinger
2	Peter Dean
3	Nicky Dykes
4	Russell Jackson
5	Charles Joel
6	Gordon Norrie
7	Richard Scoates
8	Kathy Bance (LAB)
9	Tom Papworth (LIB/DEM)

(iii) PLANS SUB-COMMITTEE NO. 3

	Councillors
1	Doug Auld
2	Katy Boughey
3	Roxhannah Fawthrop
4	John Ince
5	Paul Lynch
6	Mrs Anne Manning
7	Alexa Michael
8	Peter Fookes(LAB)
9	David McBride (LIB/DEM)

(iv) **PLANS SUB-COMMITTEE NO. 4**

	Councillors
1	Lydia Buttinger
2	Simon Fawthrop
3	Julian Grainger
4	Russell Jackson
5	Charles Joel
6	Kate Lymer
7	Richard Scoates
8	Kathy Bance (LAB)
9	Reg Adams (LIB/DEM)

4 APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN

RESOLVED that the following Councillors be appointed as Chairmen and Vice-Chairmen of the Sub-Committees of the Development Control Committee.

PLANS SUB-COMMITTEE NO. 1	Alexa Michael	John Ince
PLANS SUB-COMMITTEE NO. 2	Russell Jackson	Richard Scoates
PLANS SUB-COMMITTEE NO. 3	Katy Boughey	Doug Auld
PLANS SUB-COMMITTEE NO. 4	Charles Joel	Lydia Buttinger

Chairman

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Agenda Item 5

Report No.
DRR13/082

London Borough of Bromley

PART ONE – PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Thursday 20 June 2013

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

Title: REPORT ON LOCAL PLAN 'OPTIONS AND PREFERRED STRATEGY' CONSULTATION

Contact Officer: Mary Manuel, Head of Planning Strategy and Projects
Tel: 020 8313 4303 E-mail: mary.manuel@bromley.gov.uk

Chief Officer: Chief Planner

Ward: (All Wards);

1. Reason for report

This report provides the Committee with a summary of the consultation undertaken for the Local Plan 'Options and Preferred Strategy' stage and the responses received. It draws attention to the key issues for consideration particularly with regard to the Local Plan being found 'sound' based on robust evidence, and in 'general conformity' with the National Planning Policy Framework and the London Plan.

2. **RECOMMENDATION(S)**

That Development Control Committee

i) consider the summary of responses to the Options and Preferred Strategy document consultation attached as Appendix 1 together with the key issues and next steps highlighted in section 3.

ii) Agree that the preferred options are progressed to develop draft policies and site allocations, with key issues and areas of potential non-conformity with the London Plan brought back to the LDFAP and DCC for further discussion.

Corporate Policy

1. Policy Status: New Policy:
 2. BBB Priority: Children and Young People Excellent Council Quality Environment Safer Bromley Supporting Independence Vibrant, Thriving Town Centres:
-

Financial

1. Cost of proposal: Estimated Cost £112k
 2. Ongoing costs: Recurring Cost £52k
 3. Budget head/performance centre: Planning Division (excl Building Control & Land Charges)
 4. Total current budget for this head: £112k
 5. Source of funding: Existing revenue budget 2013/14
-

Staff

1. Number of staff (current and additional):64 fte
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement Non-Statutory - Government Guidance None: Further Details
 2. Call-in: Applicable Not Applicable: Further Details
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No, however, an initial briefing paper on the consultation and responses was circulated to all Members of the Council in May 2013 by email.
2. Summary of Ward Councillors comments:

3 COMMENTARY

3.1 Background

- 3.1.1 In 2012 it was agreed to develop a Local Plan in line with the National Planning Policy Framework (March 2012) rather than continue with the Local Development Framework. The adopted documents (Bromley Town Centre Area Action Plan, and the Supplementary Planning Documents: Affordable Housing, and Planning Obligations) within the Local Development Framework continue to form part of Bromley's development plan together with the 'saved' Unitary Development Plan (UDP) policies and the London Plan (July 2011).
- 3.1.2 Bromley's Local Plan when adopted will guide development in the Borough for the next 15-20 years, and together with the London Plan will form the development plan for the Borough.
- 3.1.3 Earlier work, including the consultation response to the Core Strategy Issues Document in 2011, has been incorporated within the Local Plan preparation. While engagement with key stakeholders and the wider community continues throughout the plan preparation process, the consultation at specific stages such as the 'Options and Preferred Strategy' are an important part of the plan-making process.
- 3.1.4 Development Control Committee (29th January 2013) considered the draft 'Options and Preferred Strategy' document and made comments for the Executive to consider prior to consultation. The Executive on 6th February agreed the recommended changes from DCC and formally agreed consultation for the 'Options and Preferred Strategy' stage of the Local Plan.

3.2 Consultation

- 3.2.1 Consultation on the 'Options and Preferred Strategy' ran for just over 6 weeks from 1st March – 15th April 2013. The web-based approach was supported by raising awareness of the consultation to residents and the wider community through different media. This is an approach taken by the Council to minimise costs, enables borough wide access and assists in the analysis of the responses. The consultation portal was designed for people to respond to specific questions and make their own comments as they progressed through the document.
- 3.2.2 In addition to a press release and advertising in The Bromley Borough News, articles and links to the consultation were included in Update, the newsletter to local residents associations, the e-bulletin to local businesses, the staff intranet, and the front page of the Bromley website. Emails and letters were sent to all on the planning database of around 1,000 which includes developers, agents, landowners, as well as residents, and other parties.
- 3.2.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 sets out general consultation bodies which includes, for example, bodies representing the interest of disabled persons, the interests of different racial, ethnic or national groups, and interests of persons carrying on business in the LPA's area and specific consultation bodies which for Bromley include the Greater London Authority (GLA), the Environment Agency, Natural England, Network Rail, the Highways Agency, and authorities that adjoin any part of Bromley.
- 3.2.4 Leaflets/posters and a hard copy of the document were displayed in the Civic Centre reception areas, Cotmandene and Mottingham Outreach Centres, local libraries and Community House. Information was sent to partner organisations, for example, health organisation and housing providers. All Council departments were invited to circulate information to their contacts and their partnership groups to promote awareness of the consultation.
- 3.2.5 Officers offered to meet groups and individuals to explain the consultation process and the on-line process. This offer was taken up by, the Bromley Youth Council, a Black and Minority Ethnic group and several individuals.

3.3 Responses

- 3.3.1 78 responses have been received to the 'Options and Preferred Strategy' consultation. Although the consultation was promoted as web based with an on-line facility to respond more than half the responses (46) were received by email and letter with 32 being through the consultation portal. Unfortunately, this made analysis of the responses more difficult with many respondents making general comments rather than responding directly to the specific options and preferred strategy and consultation questions. Some responses included comments not directly relevant to the content of the 'Options and Preferred Strategy' document and the Council's role as Local Planning Authority. Respondents varied in their level of engagement with the document, with some commenting on options throughout the document and others focusing on one or two specific areas of interest. Many comments were concerned with the detail of policies yet to be developed rather than the strategic options.
- 3.3.2 Although the consultation did not ask for sites for consideration to help deliver the plan, a number of owners/developers put forward sites, primarily but not exclusively for residential use. There has not been an assessment of these sites, as this will need to be undertaken in the context of the strategic policy approach, once agreed.
- 3.3.3 Appendix 1 summarises the responses received with regard to the Vision and Objectives and each of the six themes.
- 3.3.4 An initial briefing note outlining the consultation and responses was circulated by email to all Councillors in May. In addition, a copy of all the individual responses to the consultation is available in the Members' Room.
- 3.3.5 The key issues for consideration at this stage are outlined below, and form the strategic matters which may affect the direction of the plan.
- 3.3.6 The LDFAP met in May and considered the consultation responses and the key issues for the Council, including the potential areas of non-conformity with the London Plan. The LDFAP was supportive of key areas of evidence being updated and a continuing dialogue with stakeholders including the GLA. The LDFAP agreed that the preferred options should be taken forward to the policy and allocation stage, and for their views to be included in this Committee's consideration of the responses.

3.4 Key Issues for 'Soundness'

- 3.4.1 The Council is required to demonstrate that it has considered reasonable alternatives to the chosen options where they exist, and this is a central element of the 'Options and Preferred Strategy' stage of the Local Plan preparation. While the LDFAP agreed that the preferred options are progressed to draft policies and allocations, they have asked that the key issues and areas where further work is to be undertaken are reported back to for their consideration and Development Control Committee, as appropriate.
- 3.4.2 The GLA raises significant issues in relation to the London Plan, which also forms part of the Development Plan for the Borough and with which the Council's plan has to be 'in general conformity'.

Housing

- 3.4.3 The first key issue is the Borough's housing target. The number of new homes anticipated over the plan period is critical to its overall direction as whole, as the scale and distribution of additional homes across the Borough will determine the infrastructure needed to support these communities.

- 3.4.4 The annual housing target of 470 in preferred option 1 is criticised by a number of site owners, and other respondents as being below the London Plan target of 500 and not meeting 'objectively assessed housing need' as required by the National Planning Policy Framework (NPPF). The GLA comments that 'in addition to not being in conformity with the London Plan (2011) the 470 units per annum figure does not reflect that London's population (including Bromley's) is growing faster than previously expected'. With regard to objectively assessed need the NPPF goes on to say 'as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period'. Other policies set out in the framework include, for example, protecting Green Belt land, building a strong competitive economy, promoting sustainable transport, conserving and enhancing the natural and historic environments, and requiring good design.
- 3.4.5 Since the publication of the NPPF last year a number of local authorities have had their development plans delayed by inspectors at Examination stage due to their housing targets not meeting 'objectively assessed need'. These authorities have had to revisit their evidence base, and their housing numbers in order to avoid risking being found unsound.
- 3.4.6 While Bromley is part of a wider East London housing market and a 2009 Sub-regional Strategic Housing Market Assessment (SHMA) was prepared to meet Government planning guidance, it is suggested that an updated assessment for the Borough is prepared to meet the NPPF requirements.
- 3.4.7 The responses in relation to housing numbers also relate to housing density, and Preferred Option 9. While many respondents, including local residents associations and residents groups emphasise the importance of retaining the Borough's character, there is concern that this limits the amount of housing and therefore the Council will need to consider additional sites for housing to meet need/London Plan targets. The GLA comments that higher density can be delivered in outer London locations in sensitive ways. English Heritage raises the importance of understanding local character and historic development.
- 3.4.8 At the end of this month the Government's changes to permitted development will allow a change of use from B1 Office to C3 homes across the Borough, without requiring planning permission. The Council sought exemption for Bromley Town Centre and the designated business areas, however the Government has only granted this exemption for areas of Central and Inner London. At this stage it is not possible to anticipate how many new homes could be created but potentially it could be a significant source of additional housing units. There is also the potential of bringing empty properties brought back into use which could contribute to housing numbers. The impact of any change in housing numbers will need to be reflected when assessing pressures for education and other uses.

Parking

- 3.4.9 The GLA raised the issue of non-conformity with the London Plan regarding Preferred Option 52 which sets out a minimum parking expectation for residential development. The London Plan sets out maximum levels. The Council will need to justify pursuing a minimum parking approach. Understanding the impact of different scenarios on the character of local areas will be an important factor.

Commercial Land and Premises

- 3.4.10 The scale, location and nature of commercial land and premises anticipated to be needed over the plan period is also a central issue for the plan. The NPPF states that local planning authorities should plan positively to meet the development needs of business. Work by GVA

Grimley and DTZ use the GLA employment projects to forecast the employment floor space required over the plan period for the Borough. This shows a significant requirement for office, and a smaller reduction in warehousing and manufacturing. These recognise that much of the borough's office stock is outdated while a small but important employment growth will come from non-traditional employment uses (non B1) and that there may need to be flexibility to accommodate this. However, this has to be considered in the context of the amount of vacant office stock in the town centre and the Borough more generally reflecting its poor quality and the on-going poor economic climate. GL Hearn suggested a multi-pronged approach focusing on the strategic locations of Bromley Town Centre, Biggin Hill Strategic Outer London Development Centre, and the Cray Business Corridor as the way for Bromley to stimulate economic development.

- 3.4.11 Taking these forward may create an opportunity to have greater flexibility with regard to employment uses, or mixed use development either in other business areas (in part or in whole) or on the scattered employment sites across the borough. Comments included reference to the full range of business (B1) use classes being appropriate in business areas (Preferred Option 89 currently directs large offices to town centres), and for some business areas, either parts should be taken out for instance Scotts Road, (part of the Farwig Business Area), and Crayfields, off Sevenoaks Way or a more flexible approach taken to allow residential or employment generating uses such as crèches and health facilities.
- 3.4.12 The Council's Executive on 12th June is considering how the Borough can encourage investment and increase the economic contribution of the Biggin Hill SOLDC, the town Centre and Cray Business Corridor. How this could translate into floor space and provision for employment uses will have an impact on the flexibility that the Council can consider in the Local Plan for other business areas and employment sites.
- 3.4.13 The GLA highlights potential conformity issues if the Council takes an over protective stance to offices and others make comments on the contribution vacant business premises can make to housing and other uses.
- 3.4.14 In developing policies for the town centres, and in defining boundaries and policies for the primary and secondary frontages consideration will need to be given to the increased permitted development rights for non-retail use in vacant shops, and the need to maintain the vitality of the town centres.

Environmental Challenges

- 3.4.15 A key issue under this theme is that technologies in relation to renewable energy or used to mitigate environmental challenges evolve and any approach needs to accommodate these changes. Concern was raised that policies should be flexible and non-prescriptive policy to ensure that new development can incorporate future advances in carbon reduction/renewable technology, best practice and site specific constraints so viability issues can be taken into account when assessing schemes, to ensure that new development is not prevented from coming forward.
- 3.4.16 The Environment Agency highlighted in particular the need for an up to date flood risk assessment. The officer view is that this can be dealt with by updating the existing Strategic Flood Risk Assessment (2008). DEFRA provide funds to the Council as Lead Flood Authority and approval to use part of these will be required.
- 3.4.17 The GLA highlight that the South East London Waste Partnership Technical Paper does not satisfy the London Plan policy and there is a risk of non-conformity if agreement with other Boroughs does not deliver sufficient waste sites.

3.5 Next Steps

3.5.1 As outlined above the evidence base for the Local Plan has to be kept up to date throughout the plan preparation process and there are several key areas of work which will be undertaken in the next few months .A number of the responses to the consultation identify these areas, in particular with regard to flood risk , housing need and open space designations.

The areas of work which will be undertaken alongside the development of draft policies and allocations involve:

- Updating the Strategic Flood Risk Assessment – The Council receives Government funds for its role as Lead Flood Authority for the area and an update to the current SFRA (2007/8) may be funded through these monies.
- An Assessment of Housing Need. The NPPF requires local plans preparation to include an 'objective assessment of housing need. The Census 2011 and other recent information will be used to enable an update of housing need.
- Reviewing Housing Supply. An assessment of the Government's planning changes including permitted development rights to change from office to residential, the sites referred to in the consultation responses, and the impact of other policy areas on supply need to be taken into consideration.
- Waste Technical Paper demonstrating how requirements can be met.
- A Review of Green Belt and other open space designations.
- Further analysis to support the protection of the character of the Borough's places.
- Identifying the potential of the Renewal Areas to contribute to the overall vision
- An Assessment of the economic contribution of the three strategic growth locations:
 - a) Bromley Town Centre
 - b) Cray Business Corridor
 - c) Biggin Hill Strategic Outer London Development Centre
- Consideration and identification of Site Allocations for housing, employment, education and other uses where required to meet the Plan vision.
- Further discussion with the GLA regarding the issue of potential non-conformity with the London Plan, particularly with regard to annual housing targets, parking standards, waste and the protection of office stock.

3.6 Timetable and Milestones

Report on response to Options and Preferred Strategy Consultation to DCC June 20th 2013.

Report to Executive on consultation and progression of preferred options July/Summer 2013.

Report to LDFAP – suggested 6-8 weekly at key stages of policy development and site allocation.

Report to DCC 12th September 2013 on policy development and site allocations

Report to DCC 21st September 2013 on consultation for policies and sites.

4 POLICY IMPLICATIONS

- 4.1 The Council's Local Plan has to be in 'general conformity' with the London Plan (July 2011) as the latest adopted plan for London and part of Bromley's development plan, and the National Planning Policy Framework (March 2012). The Local Plan will guide development in the Borough for the next 15 years and is a vital document in helping deliver 'Building a Better Bromley'.

5 FINANCIAL IMPLICATIONS

- 5.1 The following resources are available during 2013/14 to meet the costs of the required work to produce a Local Plan and Strategic Flood Risk Assessment: -

	£'000
Local Plan Implementation Budget	32
Funding from DEFRA re Flooding & Water Management Act Implementation - subject to Executive approval	20
Funding carried forward from 2012/13 for Local Plan preparation - subject to Executive approval	60
	<u>112</u>

6 LEGAL IMPLICATIONS

- 6.1 Development Plan documents have to be developed in accordance with the Planning and Compulsory Purchase Act 2004 regulation. The Council's Local Plan has to be in general conformity with the London Plan

Non-Applicable Sections:	Personnel Implications
Background Documents: (Access via Contact Officer)	Report to Executive 6 th February 2013 'Bromley's Local Plan – Options and Preferred Strategy for Consultation' 'Options and Preferred Strategy' consultation document February 2013 Responses to 'Options and Preferred Strategy' consultation March – April 2013 The London Plan (July 2011) National Planning Policy Framework 2012

Summary of Responses to Consultation

1 Vision and Objectives

Open Space and the Natural Environment

- 1.1** There was general support for the objectives relating to open space and the natural environment with most respondents in agreement. However, a number of respondents disagreed going on to make detailed comments regarding the Green Belt (GB). One respondent sought for the protection of the Green Belt to be more explicit while others raised the need for a robust evidence base/Green Belt review as required by the National Planning Policy Framework (NPPF).
- 1.2** Natural England commented that the first two objectives should be informed by an understanding of such matters as landscape character, designated and locally important habitats, and areas of green infrastructure that deliver ecosystem services. They suggest consideration of the use of an Accessible Natural Green Space (ANGS) approach to the fourth objective which combines benefits for human health and well-being as well as biodiversity.
- 1.3** A number of landowners or their agents, made comments regarding the need to review the Green Belt on the basis that there are some areas where land should actually be included in the urban area, and particular attention should be given to whether objectively assessed housing need is met. Reference was made to the use of strategic landscape and visual impact assessments in relation to any potential Green Belt release.
- 1.4** There were detailed comments regarding protecting residential amenity and resisting over development within built up areas, and also the importance of trees within the built up area. There were a few detailed comments regarding design and non-planning related comments.

Health and Wellbeing

- 1.5** There was general support for the Health and Wellbeing objectives, with responses focusing on particular issues that individuals or organisations felt should be given prominence in these objectives, or had been omitted. Many of which will be taken into account in more detailed development management policies.
- 1.6** A number of the comments made are covered by objectives and options in other sections, for instance, ensuring adequate open space for communities, addressing overcrowding in areas and dwellings, affordable housing to support economic growth, improving movement between areas, (e.g. by cycle routes and accessible paths), reference to new facilities being sustainable and meeting future needs and the important role of libraries and their maintenance.

- 1.7** The role of Renewal Area developments in supporting and enhancing health and wellbeing was highlighted, and a specific representation was made on behalf of Cray Wanderers, relating to the potential for a football led mixed development to improve health and well-being in the Crays. The GLA point out that there is no specific reference to meeting the Government's 'lifetime neighbourhoods' principles; however, these run throughout the document and will be incorporated into policies. Babbacombe Road Residents' Association raise concern about the lack of reference to reducing crime and anti-social behaviour. Other comments include the importance of the voluntary sector and a mix of age groups/generations within communities, communication with, and the involvement of local communities. A representation referred to the need to lobby parliament regarding preventing building on green space and also a number of non-planning matters.

Homes

- 1.8** Many of the comments made related more to the development of detailed policies against which to assess planning applications rather than the higher level objectives for the Local Plan. These will be taken into consideration as the policies are developed and include comments relating to parking issues, the needs of emergency vehicles, the mix of housing types, the management of the construction of houses, and regard to managing rain and surface rain run off caused by paving/non porous materials and the impact on flooding, with a view that the third objective regarding minimising environmental impact does not cover this adequately. Further comments were made to maintaining the side space requirement for residential extensions, protecting the Green Belt, ensuring garden space, and homes not too densely built, and rooms not too small.
- 1.9** The first objective for an 'appropriate supply of housing was generally supported with no-one disagreeing although one respondent suggested the use of 'adequate' rather than 'appropriate' in the first objective.
- 1.10** Two comments refer to the need for the second objective to include 'reflecting trends and requirements' while respecting existing properties and character, and 'embrace/accept change in terms of design, trends and technology'. Another point was that there should be more emphasis on design 'enhancing' and not merely 'complementing' existing character. Other comments made reference to modern construction and technology enabling positive changes to house building and the quality for occupiers. Again, policies relating to detail of design have still to be developed as well as those under Environmental Challenge in relation to environmental impacts.
- 1.11** One business commentator made reference to the need for housing affordable for people moving into the area, and for businesses to attract employees.

- 1.12** Other comments included if someone owns a building they should be allowed to make changes unrestricted by planning, that developments which local residents do not like should not be built and the Council should be making it easier for the private sector to build houses with fewer requirements on them.

Business, employment and the local economy

- 1.13** There was broad support for the vision and objectives in this area. Respondents highlighted the importance of support to encourage manufacturing, hi-tech and creative businesses and high speed fibre connections.
- 1.14** It was suggested that the language could more closely align to the emphasis and wording in the NPPF in terms of the planning system "doing everything it can" to support sustainable economic growth.
- 1.15** The Biggin Hill SOLDC objective was welcomed, with the comment that the wording could more closely reflect the positive action-orientated wording of London Plan Policy 2.16, which is not simply to "enhance" the area's employment, but to "realise the potential".
- 1.16** It was also suggested to add at the end of the Biggin Hill Objective: 'and the wishes of the local community.'

Town Centres

- 1.17** There was general support for the vision and objectives with particular agreement for the diversity and range of uses within town centres. The importance of transport, access and parking was raised, as well as the importance of retail within the smaller town centres. A number of the specific points related to areas which policy development will consider, such as the change of use from retail to take-aways, cafes and restaurants, the possible consideration of park and ride, bringing empty shop units back into use in shopping parades Some points raised are outside planning, for instance the level of policing.
- 1.18** Detailed comments were raised in relation to Opportunity Areas in Bromley Town Centres, protecting heritage assets, strengthening the shopping offer in The Glades, leisure and recreational sites in and around town centres, protect current residential properties from overdevelopment and taking into account local circumstances (particularly Bromley and Beckenham).

Design and the Public Realm

- 1.19** The majority of respondents agreed with the objectives with two disagreeing; one of whom commented that reference in the introductory paragraph to car parking should not be a key consideration in this context. Natural England, in agreeing with the objectives, asked that the introductory paragraph refers to greening the urban environment and the value of including trees to soften the townscape and provide urban cooling.

- 1.20** Detailed comments regarding seating, and a balance in the 'decluttering' of streets, together with the comments regarding trees are for consideration as policies are developed.

Built Heritage

- 1.21** Eleven of the respondents agree with the objectives with several making specific comments. For example, Biggin Hill Airport Ltd raises concern that they may be too restrictive for the development solution which may be required at West Camp, that Petts Wood ASRC is facing saturation and concern with how 'ensuring a proactive approach to the protection of and improvement of heritage assets' will be achieved as the existing system is perceived as not working well in conservation areas. The respondent disagreeing with the objectives states the need to 'ensure that 'heritage assets' do not get in the way of trying to build reliable and modern buildings that keep up with the needs of modern Bromley.
- 1.22** Other comments included that heritage assets should not have to contribute to strategic economic growth and, that it is important to promote this heritage to encourage future growth and innovation. Reference was also made to the importance of raising awareness of Bromley's heritage through libraries and education.

Transport

- 1.23** General support was expressed for the five transport objectives, with several suggestions for expansion of one or more objectives. Babbacombe Residents' Association suggested that the first objective goes on to say 'and facilitate a greater proportion of journeys being made by public transport' and the GLA suggests an additional objective should be to 'facilitate efficient movement of freight whilst minimising its impact on the transport network' and that the last objective could be expanded to recognise the differing roles of roads in the borough by taking a corridor approach. Network Rail suggest that the second objective should be amended to include 'Support the renewal and enhancements to public transport infrastructure and links, including associated stations, parking and facilitate environments that encourage walking and cycling'. Tesco suggests encouraging improvement to the quality and management of parking in town centres.

Environmental Challenges

- 1.24** There is general support for these objectives with detailed comments regarding the need for measurable targets, for soil to be considered as an asset including the 'best and most versatile agricultural land', and the impact on views and landscapes and habitats to be considered in the development of local energy networks and low-carbon and renewable energy generation.
- 1.25** The one respondent disagreeing with the objectives queried whether the Council should be doing anything with regard to carbon levels whether building on flood plans and provide more facilities to recycle metals and electrical products.

- 1.26** Babbacombe Road Residents' Association asked for the fourth bullet point to be amended by adding 'i.e. by initiating central waste collection points within new developments thus directing residents to split waste appropriately and also encouraging residents to create less waste.' And to add two further bullet points: 'wherever possible seek to adapt unused properties to meet demand before considering new development' and 'Ensure, wherever possible, the recycling of rubble, soil and material waste from any new development'.
- 1.27** The GLA highlight an omission regarding Regionally Important Geological Sites (RIGS) and encourage the Council to expand its strategy to protect and enhance these sites in line with London Plan Policy 7.20 and London's Foundation (2009) Supplementary Planning Guidance (SPG).

THEMES

2 LIVING IN BROMLEY

Housing Supply (Preferred Option 1)

- 2.1** Of the representations received in response to Question 10 (relating to the options for an annual housing target), four responses received from local residents agreed that Preferred Option 1 which is to seek to deliver a realistic annual housing target of 470 homes is the most appropriate approach. However, a larger number of responses were also received from agents and landowners who do not support the preferred option and have expressed concern that the target is not in accordance with the London Plan or the National Planning Policy Framework (NPPF). They request that the Council identify and release Green Belt sites for residential development in order to meet the current London Plan target and to meet housing need. They state that the Council has not had adequate regard to the NPPF which at Para 14 states that Local Planning Authorities should positively seek opportunities to meet the development needs of their area and Local Plans should meet the objectively assessed needs, with sufficient flexibility to adapt to rapid change. The robustness of the evidence behind the target has also been highlighted as an issue, in particular the London Borough of Bromley is not considered to have produced a robust SHMA that addresses the requirements of the NPPF to demonstrate housing need.
- 2.2** The GLA have expressed concern that there is a potential conformity issue with the Council's preferred option which is below the London Plan target for LB Bromley of 500 units per annum. The GLA have stated that 2011 Census information found that the population of London was 8.17 million indicating London's population is growing faster than forecast at the time of the development of the 2011 London Plan. Consequently it is likely that the annual housing target for London of 32,210 units will increase as need increases. The GLA state that the Councils 'Options and Preferred Strategy' document relies on the 2009 sub-regional SHMA which is now out of date and does not reflect the population growth referred to above. The GLA's view is that reducing Bromley's annual target at this point in time would not reflect the fact that London's and Bromley's overall housing need will be increasing.

Location (Preferred Options 4, 5, 6 and 7)

- 2.3** There are four preferred options for the location of new housing and 52 responses were received in respect of these options. These are the Town Centres first approach (Preferred Option 4), Existing brownfield sites and windfall sites at a density that respects local character (Preferred Option 5), Protection of residential gardens (Preferred Option 6) and Renewal of Existing Residential Areas (Preferred Option 7). In general the majority of representations received supported these options as preferred options however there were also a few concerns raised as noted below.
- 2.4** Whilst the majority of representations received in response to Preferred Option 4 supported the town centres first approach, concern was raised regarding the

supply of brownfield land to meet London Plan targets over the next ten years and beyond and whether this option is sustainable long term. A suggestion was put forward by one agent that a contingency for an alternative approach to delivery be provided to allow any necessary release of Green Belt or MOL land to meet the Council's target in a planned fashion. Another representation states that it is not essential to concentrate on a town centres first approach and whilst there are some benefits, the Council should adopt a flexible stance.

- 2.5** Most representations received in respect of preferred Option 5 (existing brownfield sites and windfall sites at a density that respects local character) supported this as a preferred option however concern is raised in one response about the inclusion of windfall sites in the five year supply. Concern was also raised over the ability of this option to deliver all new housing (as this has not been substantiated by a robust and reliable evidence base to demonstrate that this option is the most appropriate approach to delivering the vision and objectives).
- 2.6** Almost all representations received in response to Preferred Option 6 (protection of residential gardens) agreed that this is the most appropriate approach. However one response suggested that the option is developed further with flexibility to allow for well-designed new housing to be developed on garden land and to ensure that it is not interpreted as a ban on all such development.
- 2.7** Nine out of the ten representations received in respect of Preferred Option 7 (renewal of existing residential areas) supported this as a preferred option. One representation received from a residents association stated that they feel greater priority needs to be given to bring empty homes and derelict empty houses into residential use. Another representation received from an agent (acting on behalf of a land owner) stated that it is inappropriate for the Council to adopt a dogmatic approach to resisting the loss of existing housing stock.

Quality and Design (Preferred Options 9 and 11)

- 2.8** Preferred Option 9 states that the design of all new housing developments should be of a high standard and layout and enhance the quality of local places whilst respecting local character, spatial standards, context and density. The majority of representations received support this as the Preferred Option. One response did however suggest that the London plan density matrix should be applied pragmatically where there is a clear opportunity to provide for increased numbers of residential units. Also the GLA highlight potential conformity issues with London plan Policy 3.4 and state in their representation that in general new development in Bromley should conform with the density ranges set out in the density matrix. London Plan Policy 3.4 is sufficiently flexible to accommodate instances where the local context and character dictate that this is not appropriate. The GLA state that high density development does not have to have a detrimental impact on the character of the Borough and that the Council are encouraged to explore additional design guidance which focuses on high quality, high density development.
- 2.9** There was general support for Preferred Option 11 which relates to housing as part of a mixed use development.

Affordable Housing (Preferred Option 12)

- 2.10** Preferred Option 12 seeks a 35% target for affordable housing on sites of 0.4ha or larger and on sites capable of providing 10 dwellings or more. Whilst there was support for this as a preferred option, a number of representations made suggestions that the policy should be flexible and the amount of affordable housing sought should be subject to viability. One representation put forward that Option 16 should be the preferred option even though it was more complicated. Option 16 suggests increasing the affordable housing target and provision in some areas and decreasing it in others.
- 2.11** It was considered that seeking financial contributions on sites providing 1-9 dwellings should not be a preferred option and there is a need for flexibility in the wording of policies seeking payments from smaller developments having regard to viability.

Specialist Accommodation and the application of the principles of affordable housing to Care Homes (C2) (Preferred Options 18 and 20)

- 2.12** The Council were commended for the acknowledgment of the ageing population and the higher survival rates across the age spectrum, and for the Council's aspiration to provide appropriate accommodation. Representations agreed that in reflecting the varying needs of the Borough's population, housing policies should provide for a mix of housing types and tenures, specifically addressing the need for specialist accommodation for the elderly/ageing population. It was acknowledged that there is some ambiguity in the Use Class classification for many forms of specialist accommodation for the elderly.
- 2.13** Whilst the London Plan does recommend that Council's consider seeking affordable housing contributions from Care Homes and other C2 Use Class developments, (as put forward in Preferred Option 18) a number of providers were concerned that if affordable housing policy is applied to this type of development it could prevent it from coming forward. Representations suggested that this would be in conflict with Preferred Option 20, which seeks to encourage the provision of specialist, and supported accommodation and felt that any policy to seek affordable provision should be robustly justified by the Council. It is important to note that under the current adopted Affordable Housing SPD (para 6.27) proposals for sheltered housing and extra care homes are already subject to other residential policies, including affordable housing.

Renewal Areas (Preferred Options 22, 25)

- 2.14** The GLA and the neighbouring boroughs of Croydon and Bexley support the renewal area designations and welcome the opportunity to work across borough boundaries in "Crystal Palace, Penge & Anerley" and "The Cray Valley" (adjacent to the Foots Cray sustainable growth area in Bexley). Lewisham also wish to be kept apprised of strategic/cross boundary issues in relation to Renewal Areas.

English Heritage are encouraged by the use of “Places” but queried how the places were defined.

- 2.15** Natural England support the principle of preparing development briefs (where appropriate) for development opportunities relating to Renewal Areas, to maximise their contribution to social, economic and environmental improvements (Preferred Option 28). They highlight that environmental benefits should not be an afterthought in the planning process, rather the retention, protection, enhancement and their on-going management should be clarified through Development Briefs.
- 2.16** A number of representations refer to specific sites. “The Cray Valley” Renewal Area includes land at business parks at Crayfields. Legal and General are land owners in this area and suggest two areas adjacent to the existing employment areas could be designated for business to support renewal and address issues in the Renewal Area. Cray Wanderers FC wish to return and grow within “The Cray Valley” Renewal Area through a sport led mixed use development where they feel they have a significant part to play in the social, economic and environmental well-being of that Renewal Area.
- 2.17** Bromley College highlight the quantity and quality of college facilities, located in “Bromley Common” Renewal Area, which provide education and training, supporting Renewal Area improvements.
- 2.18** A further representation was received for a site for residential development in Chislehurst, however, the site lies outside both the Mayor’s Regeneration Areas and the Boroughs proposed “Renewal Areas”

Gypsies and Travellers (Preferred Options 29, 30 & 32, 33, 34, and 35)

- 2.19** There is support on behalf of Gypsies and Travellers and from the London Gypsy Traveller Unit (LGTU) for the options to further expand Local Authority sites (Option 29) and to allocate the long standing sites as travellers sites (Option 30) and the point is made that these should be safeguarded for future provision. The London Borough of Croydon supports the allocation of a number of temporary sites close to the Borough boundary which it acknowledges have been in use for a long time and whose need for school places is met across the boundary in New Addington.
- 2.20** One respondent objected to the provision of sites for Gypsies and Travellers.
- 2.21** Representations, including from the LGTU, emphasised that the two options (29 and 30) alone would be insufficient and they did not therefore support the option to resist allocating further sites (Option 31). These responses emphasised the need for a robust and up to date assessment of need, including consideration of hidden/latent need, and family formation. Reliance on sites without an occupancy restriction (Chalkpit and King Henrys Drive) was queried. In fact both land owners have now indicated their desire to be excluded as options and, given that they have unrestricted caravan permissions it would be appropriate to withdraw these sites from the proposals. (N.B. King Henry’s Drive is also no longer occupied by

Travelling Showmen and hence can also be withdrawn from the assessment in respect of need).

- 2.22** The Showmen's Guild advise that previous advice from a Guild officer, indicating that previously agreed permissions for Showpeople at Layhams Road meet all current needs, were incorrect and that there is a need for two additional plots in Bromley. They advise that extending the site towards Sheepbarn Lane would finally meet the need. The original statement was made in relation to showpeople living on site at the time whereas they suggest that the Government guidance "Planning for Travellers" is clear and that a homeless family should not be disadvantaged for not having moved onto site in advance of permission but should in fact be rewarded for this. This view is supported by a representative of the family commenting that there is currently doubling up on plots.
- 2.23** The LGTU recommend that the London Gypsy Traveller Accommodation Needs Assessment (GTANA) should be used as the baseline figure to inform the strategic policies set out in the Bromley Local Plan and wish to challenge the limit of site options to the Green Belt. Given the land constraints identified the high level of need for new pitches, they recommend a more innovative and inclusive approach in identifying the required site allocations, including a policy response which considers the provision of Gypsy & Traveller pitches as part of mixed use developments.
- 2.24** Comments on the criteria based policies for both Gypsies and Travellers and Travelling Showpeople (options 32 and 35) include a representation from Natural England emphasising the importance of considering environmental factors, specifically landscape and habitats and concern was raised, on behalf of Travellers, that this approach offers no certainty of meeting future need.
- 2.25** Neighbouring local authorities - Bexley, Lewisham and Croydon all support collaboration on Gypsy and Traveller issues generally and specifically on transit sites and Travelling Showpeople. However, representations on behalf of traveller are dissatisfied with the approach to seeking a sub-regional transit site, which they feel is a delaying tactic additionally it is suggested that most families prefer to stop on family owned sites rather than on purpose built transit sites.
- 2.26** Whilst an assessment of potential pitch numbers within the proposed allocated Traveller Sites offers flexibility in respect of the longer term need, the assessment will need to be revisited in the light of the withdrawal sites as possible locations the revised needs position put forward by the Showmen's Guild.

3 SUPPORTING COMMUNITIES

Community Uses (Preferred Options 35 and 36)

- 3.1** There is broad support for Options 35 and 36 from a range of stakeholders including Bromley College of Further Education and Cray Wanderers. The GLA recommend the option be expanded to read “provision, retention and enhancement”. Other representations seek an additional reference to libraries and emphasise the importance of maintaining community centres. Bromley Children & Families Voluntary Sector Forum highlighted when plans are developed care needs to be taken to harness the knowledge/skills held within the ‘voluntary sector’, who have the potential to add significant value.
- 3.2** Representations on behalf of a leisure landowner, proposing a residential development, stressed the need to assess whether facilities are needed in a particular location
- 3.3** The Chislehurst Society and Babbacombe Road Residents Association support the local identification of community facilities.
- 3.4** Croydon Council advise of their protocol to assist the development management process in relation to proposals involving the loss of community facilities trialling an approach which requires applicants to contact community organisations who may have a need for the site.

Planning for Social Infrastructure (Preferred Options 37 and 38)

- 3.5** The town centre first approach is generally supported by the GLA and other stakeholders but with emphasis on the point made in the document that there should be scope for alternative locations where appropriate relating to the specific needs of the area and the scale of the catchment for facilities (smaller catchments needing facilities in locations in addition to town centres to ensure accessibility).
- 3.6** Bromley College of Further Education note these options also recognise the potential to enhance existing facilities, with mixed community uses enhancing their long term sustainability. This “community hub” approach is also supported by Babbacombe Rd Residents Association and Cray Wanderers. The London Fire and Emergency Planning Authority (LFEPA) comment that should fire stations be declared surplus they consider the most appropriate use to be as residential.

Education (Preferred Options 39, 40, 41 and 42)

- 3.7** There is broad support for the option to ensure facilities from early years through to Further and Higher education, although one comment raised concerns about the increase in numbers of school children. Croydon Council support the designation of “Education Land” (Option 40) and suggests that given the forecast increase in school rolls this designation could be extended to other sites – e.g. vacant police stations, empty care homes, redundant hospitals etc. The Chislehurst Society comment that “Education Land” designation should not apply

to sports grounds, owned or used by an education institution and separate from any education buildings, whilst another representation comments that not all existing sites are appropriate and could instead be disposed of to finance education elsewhere.

- 3.8** The assessment of need to inform the allocation of new sites is supported and the GLA highlight the criteria approach in the London Plan.

Health and Healthy Environments (Preferred Options 43 and 44)

- 3.9** Natural England support Option 43 highlighting the contribution made by the natural environment, by accessible natural green space and particularly to the provision of attractive opportunities for walking and cycling to health. They also note the need for new housing development to take account of infrastructure provision as well as the provision of green space, wildlife and recreation areas, in order to promote health and wellbeing.
- 3.10** The approach to acknowledging health throughout the plan was supported, although a representation highlights debate around Climate Change. Bromley Cyclists draw attention to active sustainable options (walking and cycling) in the plans Getting Around section, flagging that these offer great potential in respect public health, referencing the British Medical association (BMA) and specifically the National Institute for Health and Clinical Evidence (NICE), which indicates that *health improvement should be an objective in all transport policy development* (“Healthy transport = Healthy Lives” 2012).
- 3.11** There is also support from residents associations and a desire to be actively involved in defining community needs for local health facilities.

Leisure and Recreation, Play and Youth (Preferred Options 46, 47)

- 3.12** There was broad support and endorsement from residents groups, individuals and leisure and recreation providers, including those seeking sites, and other stakeholders for the option to encourage sports and recreation facilities and secure enhancements where appropriate opportunities arise (preferred Option 46). One comment noted that such facilities were “essential ... to ensure the long term physical and mental health of the community” and flagged the need to ensure the great opportunity to improve provision within the Borough to all sectors of the community as part of the legacy of the 2012 Olympics games. The Bromley Children & Families Voluntary Sector Forum feel strongly that work encouraging provision should include relevant voluntary sector organisations (with specific expertise working with individuals who have learning difficulties) and also those that provide a general community service (e.g. youth organisations). Natural England also flag the importance of supporting leisure activities, particularly for young people and for generating a sense of local identity and community. They make the explicit link between health, leisure and a quality green spaces and biodiversity. A response highlighted the need for this option to be underpinned with hard & measurable targets and another demanded no building of any sort within the Green Belt.

3.13 Two responses from owners of leisure facilities, both of whom support the encouragement of the provision of sports and recreation facilities, make comments about need and viability. One which again noted their importance in enhancing the health and wellbeing of residents and helping to nurture a sense of local identity and community participation, particularly amongst young people, highlighted the importance of ensuring the long term sustainability of such facilities. The other representation from the owners of a leisure site, seeking residential development, commented that facilities have to be in locations where they are genuinely required and that following an examination of need the Council may consider a flexible approach to the re-development of sites, particularly for larger sports fields where little demand exists. Conversely, The Chislehurst Society, feel there should be greater emphasis on the protection of existing facilities so as to avoid pressure for change of use of facilities that may lead to the eventual loss of open space.

3.14 The protection of smaller open spaces (option 47) is supported by residents groups, who wish to be involved in the policy development in their areas together with other stakeholders, noting the important contribution they make to the local area. Natural England specifically reference the encouragement of additional public open space in areas of deficiency. A representation from Intu suggests that the protection of valuable smaller open spaces should be balanced against the wider objectives of the Local Plan (including the Bromley Town Centre Area Action Plan). Accordingly, development proposals located on / adjacent to smaller open spaces should be considered on their merits.

Allotments (Preferred Option 49 and Option 50)

3.15 All representations supported the encouragement of allotments and one stressed the need for old under-used sites to be made available to the community.

Burial Sites (Preferred Option 51)

3.16 Views on burial sites were not generally supportive of additional sites although they seem to refer to internments which it was suggested totally change the character of such sites and are unsustainable. The decline in internments was highlighted and investment in cremation services suggested.

Other Strategic Matters

3.17 The Theatres Trust highlight the importance of support for culture, increasingly seen as an investment in an area's present and future quality of life. It flags growing awareness of the role that the arts and culture play in developing an educated workforce and in attracting an educated workforce. They suggest that specific protection is vital for cultural facilities and that policies should include criteria to avoid the loss of any cultural/community asset or change of use, except in exceptional circumstances where a replacement facility may be required. They also point to the potential for pubs to be transformed as additional venues for live music and comedy, new plays and dance, making a vibrant contribution to a town's evening economy.

3.18 A residents association support attempts to protect local communities and the provision of facilities that are important to such local communities as quoted within this section i.e.; “corner shops, pubs, theatre etc. Specifically, they express support for setting up of Neighbourhood Forums they consider would enable Residents’ Associations the means to effect control over their locality.

4 GETTING AROUND

Parking (Preferred Options 52 and 53)

- 4.1** There were two preferred options in this section. The preferred option 52 of minimum parking expectation for residential development and preferred option 53 'parking provision at key transport interchanges' was supported by the majority of the individuals that responded to Question 49.
- 4.2** However the GLA have responded that the approach of minimum parking expectations for residential developments and flexibility for all other uses is not in conformity with the London Plan. The London Plan only recognises the potential for flexibility for public car parking serving a town centre as a whole and office developments in outer London subject to certain criteria. One agent suggested that adopted policy should take into account opportunities to promote and allow car free development on sites with good accessibility to public transport/employment etc. thus freeing up land for housing provision.
- 4.3** The Highways Agency agreed with the preferred option of parking at key transport interchanges as long as there was no adverse impact on the Strategic Road Network (SRN) in the form of increased traffic, queues and delays.
- 4.4** However 'parking provision at key transport interchanges' (preferred option 53) was not supported by one residents' group, which pointed out that the increase in car use would cause congestion and blighting the immediate neighbourhood. Specifically referring to future development at Site A (Bromley Town Centre Area Action Plan) it was suggested that the current take-up of car parking facilities has been continually underused over a period of many years.
- 4.5** Additionally the GLA thought this preferred option would undermine policies to encourage more walking, cycling and public transport. The GLA stated that policy should be subject to clear assessment and criteria e.g. existing and potential improvements to pedestrian, cycle and bus links, impacts on congestion, potential for Controlled Parking Zones (CPZs) introduction/extension to ensure no net increase in parking availability.
- 4.6** Other respondents suggested allowing more street parking for commuters, more bike racks, to mark out reserve places for car sharers, and that there was no pick up or drop-off at Bromley South Station.

Relieving congestion (Preferred Options 57 and 58)

- 4.7** Overall, the preferred option 57 of pinch point mitigation measures, was supported by most respondents however, the GLA commented that the approach to congestion relief be broadened to reflect policy in the London Plan, and refer to supporting criteria. The Highways Agency suggested the option should consider impacts on the strategic road network as there were known pinch points outside of the borough for example the M25.

4.8 An agent was concerned that no alternatives were offered by the Council and considered this option conflicts with the preferred option in respect of parking provision. A Residents' Association commented that we should seek to ensure that no new development created a new pinch point.

Access to services for all (Preferred Options 59,60, 61 and 62)

4.9 This topic had four preferred options in all. Firstly preferred option 59 'Developer to provide safe and accessible pedestrian and cycle routes within schemes' was supported in all of the representations. However, an agent suggested the policy should be developed to state 'where possible and/or appropriate' stating that site specific considerations may hinder the ability for delivery of such routes.

4.10 The Highways Agency agreed in principle but added the measures need not be restricted to developers and transport providers because the Local Authority has a responsibility in this respect.

4.11 Secondly the preferred option 60 of 'Developer contributions towards cycle routes' again was supported by the majority of respondents, but one was concerned that 'Large retailers' must also contribute to the cost of cycle routes and pedestrian access, whilst another commented that this would encourage 'excess expenditure on cycling'. The GLA advised the preferred option could be extended to walking routes and added that the London Plan cycle parking standards had been reviewed.

4.12 Thirdly, the preferred option 61 of 'Developer contributions towards transport services and interchanges', was broadly supported. However the GLA asked for the defining of 'accessibility' in this and the fourth option, and one agent said the 'level of contribution needs to be constrained'.

4.13 Fourthly, the preferred option 62 'Public transport developer contributions' was again supported by the majority of representations. The GLA referred to the introduction of CIL replacing planning obligations of this nature and that this policy will have to be worded appropriately embedding CIL both local and Mayoral within the Local Plan is required. The GLA stated that major schemes /public transport improvements that could benefit the borough and developer contributions toward these will be important. Network Rail stated they should be seen as an integral part of local transport networks and welcomed further discussion as section 106 and CIL revenue could play a vital role in developing London's rail network and wish to be part on discussions on the proposed Council Transport Strategy.

4.14 Finally only one respondent did not like the way any of the options were "worded nor the principle they embody that developers of property should contribute to public transport provision". Importantly a developer suggested that all planning obligations of this nature should be delivered as part of the Community Infrastructure Levy (CIL) and published on the Councils Regulation 123 List and that the Council could clarify how these policies sit alongside CIL regulation.

Public Transport Investment Priorities (Preferred Options 64 and 65)

- 4.15** The preferred option 64 relating to DLR extensions, which states the intention to “promote the extensions of the DLR to Bromley North including by safeguarding sufficient land to enable construction and operation, in particular at former Bromley Town Centre area Action Plan Site A” providing a direct link to London, was welcomed. However, several representations mentioned the need to safeguard sufficient land to enable construction, and one group queried the amount of additional land that may be required. The GLA advised there is a need to support major investment in public transport with higher density development. LB Lewisham responded that it has a number of issues that need to be resolved in relation to the proposed route of the DLR. Whereas Network Rail supported the general principle but would like the preferred option broadened to state “ promote the rail capacity and growth at Bromley North Station through an assessment of options, which include the DLR”.
- 4.16** Preferred Option 65 regarding Tramlink extensions to Bromley Town Centre and Crystal Palace, improving accessibility and orbital public transport routes to Bromley Town Centre, was supported. The GLA reiterated that the safe guarding of land should be included. Regarding option 67 “Over ground rail linkages” which was not preferred because of the impact on the case for the DLR, the GLA felt that ‘a number of options for improving public transport connections to the borough are still being considered and there is on-going work to assess the costs and benefits of each option on a consistent basis. Therefore discounting options at this stage is premature’.

Question 60

- 4.17** Question 60 which asked for additional issues that may require strategic policy received a few comments. Importantly two local residents/households requested the urgent review of that part of the A21 safeguarding line affecting 2-16 Bromley Common and its urgent removal before the Local Plan proceeds any further because of the consequent effects of this designation affecting the owners for some years now.
- 4.18** The GLA asked for development of the area of ‘servicing of premises road safety to include covering the need for construction logistics, delivery and servicing plans and promotion of sustainable freight distribution’ to accord with the London Plan and an expansion of the strategic policy on public transport (i.e. more than planning obligations) in particular the promotion of the bus network and associated needs including safeguarding, garaging and driver facilities. The GLA also reiterated the need to embed the CIL in the Local Plan and added the developer contributions to the possible DLR extension and other public transport schemes because as yet funding has not been identified.

4.19 One group asked that developers should design developments with cycle routes through natural lines of travel adjusting development to improve access to current cycling infrastructure. Finally, another group felt that the general tone of this chapter was “unambitious and fails to address reality; that sustainable and particularly sustainable options (walking and cycling) address so many of the issues which the plan has to tackle”.

5 BROMLEY'S VALUED ENVIRONMENTS

- 5.1** Although the 'Options and Preferred Strategy' consultation did not make a 'call for sites' a number of landowners submitted sites, primarily requesting removal from the Green Belt and allocation for housing, or in some circumstances employment or other uses.

Open and Natural Space (Preferred Options 68, 69, 70, 71, 72, 73 and 74)

- 5.2** There was general support for the Preferred Option 68 review and define all open space designations with 14 of the 15 respondents in agreement, with many specifically referring to a review of the Green Belt in relation to its five functions set out in the NPPF. Specific mention was made of particular sites, from owners, developers or others with an interest including Cray Wanderers, Keston Garden Centre, Flamingo Park.
- 5.3** Many local residents and groups emphasised the importance of protecting the Green Belt, (and other open space designations) with meeting housing need given as the reason for reviewing and potentially amending it. Any review of open space designations should be in the context of the housing need and supply discussion, supporting infrastructure and employment land provision.
- 5.4** The protection of the character of the borough, in historic and development terms was supported, some commenters highlighted that this can allow change and that some areas of the Borough character can be improved.
- 5.5** Biggin Hill Airport Ltd agreed and asked that the Green Belt boundaries at Biggin Hill are reviewed to provide 'insets' that remove Green Belt from existing and future development areas, and gave the example of South Camp. They made specific comments in relation to the different areas such as West Camp, The Terminal Area and East Camp,
- 5.6** The one respondent disagreeing stated that Council policy should be no building on Green Belt land.
- 5.7** Preferred Option 69 regarding the protection of designations once defined was supported, with one respondent disagreeing stating that 'proposals related to designated areas of open space will contribute to future maintenance, level of use and enhanced access to such places through partial development will need to be judged on their individual merits'. The GLA asks that Council's strategy should extend to the Regionally Important, Local Important Geological Sites to protect and enhance these sites in line with the London Plan Policy 7.20.
- 5.8** Preferred Options 70, 71 and 72 relating to the All London Green Grid Supplementary Planning Guidance being incorporated into the planning policies, developing policies to improve use of and access to open space, and working with neighbouring boroughs were supported.

- 5.9 Preferred Option 73 regarding the incorporation of green spaces in all Area Action Plans or Neighbourhood Plans by way of site allocations is supported by two Residents Associations. However, Signet Planning, on behalf of the owners of the former GSK site, state 'designating new open 'green' space needs to be balanced against the Council's ability to deliver new housing as it is acknowledged that 'existing open space designations restrict the number of large sites which can come forward for housing' and acknowledges that new public realm/amenity/open space doesn't necessarily need to be 'green' to successfully provide benefit to the community'.
- 5.10 The Involvement of 'Park Friends' in the development of open space policies (PO74) is supported.
- 5.11 Any review of open space designations should be in the context of the housing need and supply discussion, supporting infrastructure and employment land provision.
- 5.12 The protection of the character of the borough, in historic and development terms was supported, some commenters highlighted that this can allow change and that some areas of the Borough character can be improved.

Built Heritage (Preferred Options 75, 76 and 78)

- 5.13 There was general support for the options for the built environment with specific comments made in relation to Preferred Option 76 regarding Areas of Special Residential Character
- 5.14 English Heritage highlight the need to ensure heritage assets are protected. They wish Bromley to conserve the historic and local character of the area especially in the town centres and in particular in Bromley town centre where several high rise buildings are proposed. Local organisations have highlighted the importance of retaining and enhancing the local character both of residential areas and town centres.
- 5.15 Chelsfield Park Resident's Association, who are seeking designation as an 'Area of Special Residential Character' have concerns about the impact on existing ASRCs of updating the criteria. Fearing alteration could be interpreted as a measurable decline in Bromley's residential character in contrast with its visions and objectives.
- 5.16 The Chislehurst Society put forward a formal report to Officers regarding specific improvements for Chislehurst High Street and Belmont Parade. To this end it has submitted (November 2012) a report "Chislehurst High Street – Proposals for Improvement" prepared by the Chislehurst Town Team, comprising people representing a wide range of interests.
- 5.17 One respondent disagreed with Preferred Option 78 regarding working closely with the Bromley Museum, the Museum of London Archaeology Service and English Heritage to ensure the protection of Areas of Archaeological Significance, although there was no reason given.

5.18 Additional comments in relation to this section referred to the ASRC criteria to be applied to all new developments including spatial standards, and the provision of community facilities, such as toilets/washroom which enable better use of public space and especially sports activities to be more widely supported.

6 WORKING IN BROMLEY

Strategic Industrial Locations (Preferred Options 79 and 80)

- 6.1** There was general support for employment land and the local economy, taking forward the Strategic Industrial Location designations in the London Plan for St Mary Cray and Fooks Cray Industrial Park, however, there were different views as to how this should be translated into designations and flexibility between types of employment use.

Business Area Designations (Preferred Options 81)

- 6.2** A number of representations were made concerning flexibility being applied to the designated Business Areas, with suggestions that proposals be judged on their merits in terms of employment generation rather than the rigid use-class criteria, in order to allow other functions such as health facilities and leisure. A flexible approach would allow responses to changes in economic circumstances so that Business Areas are supported by complementary uses that contribute to economic development.
- 6.3** A review of the Green Belt in-between two industrial estates in a built up area in the Crays was proposed on behalf of the owner for A-grade business (office based) employment.

Development Outside Business Areas (Preferred Option 84)

- 6.4** Respondents supported options for flexibility to encourage the redevelopment of former industrial sites (which are redundant with no prospect of re-use in the future) to alternative employment uses. It was argued that mixed-use schemes would provide refurbished business space that is economically viable, in line with the emphasis on viability as set out in the NPPF.
- 6.5** Similarly, representations were put forward that the options protecting employment land were too restrictive. The Council should avoid the long-term protection of sites as this is not consistent with the NPPF. Policy should aim to be positive in encouraging growth rather than stifling growth with a long list of criteria.

Future Requirements for Office Floorspace (Preferred Options 86, 89 and 90)

- 6.6** Representations were received concerning GLA evidence that highlights a strong need for the Council to consider mixed-use development in light of the decline in Outer London office centres. Mixed-use development will help bring forward new employment generating uses, refurbished attractive offices and also homes. The GLA raised the issue of potential non-conformity regarding offices. While Croydon and Bexley support the protection of employment land in line with Bromley as a 'restricted' Borough in the London Plan for the loss of business/industrial land.

Biggin Hill Strategic Outer London Development Centre (Preferred Options 91, 92, 93 and 95)

- 6.7 Representations supported the Strategic Outer London Development Centre (SOLDC) designation of Biggin Hill, notably the GLA and Biggin Hill Airport on behalf of the LoCATE initiative. Points were made that wording of policy needs to be more positive and action orientated as per the London Plan. It was highlighted that the SOLDC requires clear land designations if the growth is to be realised as per the London Plan. A review of the Green Belt constraints is welcomed in order to increase certainty and confidence for investors to support aviation technology and related business (office/hi-tech R&D) growth.

Making sure the Borough remains competitive relative to London and the South East (Preferred Options 96 and 97)

- 6.8 There was general support expressed with the recognised need to focus new development in the town centres and not allow out of town development and to consider the extent of the shopping centres and the role of primary and secondary frontages. LB Bexley was supportive and asked to be kept advised of any new retail developments in Sevenoaks Way.

Bromley Metropolitan Town Centre (Preferred Options 98)

- 6.9 Revisiting the contribution the former Site A in the Bromley Town Centre Area Action Plan can make to the development of the Town Centre is supported by Babbacombe Road Residents' Association and Boyer Planning. The latter, representing a key landowner expressed their wish to be involved in the process.

Continue to develop and grow Orpington (Preferred Options 99, 100 and 101)

- 6.10 The three respondents for these options to encourage a mix of new retailer and businesses, encourage more independent shops and continental markets and encourage the re-use of upper floors supported the preferred options with a specific comment suggesting encouraging a fruit and vegetable market which would help increase footfall and the town centre.

Ensuring the Vitality and Viability of the Borough's Town Centres (Preferred Options 103,104 and 105)

- 6.11 There was support for these options, although a query from Babbacombe Road Residents' Association as to why clustering restaurants and pubs is not a preferred option and a comment that before extending the recreation and leisure offer in district centres it seems important to assess the options of extending the offer on existing recreation and leisure sites in the borough, including landholdings at Copers Cope Road.

Ensuring an adequate supply of local shops and community services (Preferred Option 106)

- 6.12** There was concern with this preferred option to prevent vacant units from staying empty by allowing a variety of use classes from Petts Wood and District Residents' Association that there may be a local parade with no shops. Babbacombe Residents' Association suggested that the non- preferred option 108 to remove local parade designations where all shops units are vacant or with non A1 designations.
- 6.13** English Heritage highlighted the heritage assets in many of the town centres and advised that strategic management should include an explicit reference to how these will continue to be conserved and enhanced, and policies should demonstrate an understanding of historic and local character. Other town centre related detailed comments were raised in relation to, strengthening the shopping offer in The Glades, leisure and recreational sites in and around town centres, protect current residential properties from overdevelopment and taking into account local circumstances (particularly Bromley and Beckenham).

7 ENVIRONMENTAL CHALLENGES

Sustainable design and construction, carbon reduction and renewable energy (Preferred Options 109, 111, 114, 115, 116, 117 and 118)

- 7.1** There were 17 representations on the Strategic Options for sustainable design and construction standards, carbon reduction and renewable energy. Of these, the majority supported the suggested Preferred Options.
- 7.2** With regard to sustainable construction standards, there were opposing views as to the merits of using the Code for Sustainable Homes as a benchmark, with equal support and objection to the Preferred Option (of not using the Code).
- 7.3** The proposal to continue using the London Plan targets for carbon reduction in new development were supported by two out of three respondents, the one objector preferring there to be no policies relating to carbon reduction. The GLA requested that the local policy should be flexible enough to reflect updates to the Building Regulations and the London Plan and include a requirement to submit an energy strategy for Major developments.
- 7.4** There was general agreement on the preferred Strategic Option to encourage development of local energy networks and the GLA reiterated the importance of using the energy hierarchy set out in the London Plan. In terms of the renewable energy requirement, there was support for the preferred option, but one respondent raised concerns about its potential impact on the viability of development.

Flood risk management and sustainable drainage (Preferred Options 120 and 121)

- 7.5** All nine people and groups that commented in the issues of tackling flood risk and improving drainage were in support of the Preferred Options. The Environment Agency (EA) made the most substantial comments, requesting to be involved in the development of policies in the Local Plan as it moves forward. The EA suggested that the Preferred Option on Flood Risk Assessments be expanded to include additional areas including those identified in the Strategic Flood Risk Assessment (SFRA) and the Local Flood Risk Strategy. They reiterated that the SFRA needs to be updated so it can accurately inform the plan.
- 7.6** Two respondents agreed with the Preferred Option to require Sustainable Urban Drainage Systems in accordance with the London Plan and EA guidance rather than develop local criteria but the EA recommended that the Options be merged in order to ensure the Borough (as Lead Local Flood Authority) address their key role under the Flood Water Management Act 2010.

Waste management (Preferred Options 126 and 127)

- 7.7** The key representation made about the Strategic Options for waste relates to whether the Borough can show that it will be able to meet its waste apportionment targets set out in the London Plan. The GLA state that The South East London Waste Partnership Technical Paper – which summarises the various boroughs' waste arisings and capacity - does not currently satisfy the requirements of the policy and they recommend that the Council identify any agreements that Bromley have made with other boroughs for pooling its targets.

Agenda Item 6

Report
No.DRR13/081

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **Development Control Committee**

Date: **20 June 2013**

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

Title: **LB BROMLEY FIVE YEAR SUPPLY OF HOUSING**

Contact Officer: Claire Glavin, Planner
Tel: 020 8313 4477 E-mail: claire.glavin@bromley.gov.uk

Chief Officer: Jim Kehoe, Chief Planner

Ward: All

1. Reason for report

The National Planning Policy Framework (NPPF, March 2012) specifies that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. This report establishes the five year supply position for the Council from 1st April 2013 – 31st March 2018.

2. **RECOMMENDATION(S)**

Members agree the five year supply position 01/04/13-31/03/18 as set out in Annex 1 of this report.

Corporate Policy

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

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Planning Division Budget (Excl Building Control & Land Charges)
 4. Total current budget for this head: £1.708m
 5. Source of funding: Existing controllable revenue budget for 2013/14
-

Staff

1. Number of staff (current and additional): 64ftes
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Not Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All residents in the Borough as well as those making planning applications for development in the Borough.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable.

3. COMMENTARY

Background

- 3.1 All London boroughs contributed to a comprehensive and robust pan-London assessment of housing capacity (London Housing Capacity Study (LHCS) 2004-05). This resulted in an annual housing provision target for the Borough of 485 units for a 10 year period (2007/08-2016/17) and was set out in the 2008 London Plan. Prior to this an annual target of 572 units applied to the Borough over a twenty year period (1997/98-2016/17). Reference to these figures is made in Policy H1 Housing Supply within the adopted Unitary Development Plan (UDP, 2006).
- 3.2 The GLA advised in January 2011 that targets prior to the 2008 London Plan (the adopted London Plan at the time) would not accrue and therefore the most relevant plan period was for ten years as opposed to the previous twenty year period referred to in the UDP.
- 3.3 The Council participated in the London-wide Strategic Housing Land Availability Assessment (SHLAA)/Housing Capacity Study (2009) to meet the requirements of Planning Policy Statement 3 Housing (PPS3) that was relevant at the time. The Assessment initially allocated an annual housing provision target of 565 dwellings per annum for the Borough shown in the Draft Replacement London Plan (2009/10 DRLP). After further amendment this figure was reduced to 500 units within the GLA Housing Technical Note (August 2010) prior to the Examination in Public (summer 2010).
- 3.4 The Panel Report into the Examination in Public for the DRLP (2011) endorsed the figures set out in the GLA Housing Technical Note as indicative figures to be checked and adjusted against any revised housing targets through the Local Plan or SHLAA process. At the EIP in response to comments from a number of Boroughs including Bromley, the GLA agreed to an early review of the SHLAA which challenged the housing target figures in the Plan.
- 3.5 A 10 year plan period (2011/12-2020/21) now applies to all London Boroughs for the purposes of monitoring housing supply as set out in the 2011 London Plan. As referred to above the annual housing target for the Borough is 500 units per annum subject to any subsequent changes that could arise from the London-wide SHLAA, that all boroughs are currently partaking in, or the Local Plan review.
- 3.6 Annex 1 of this report updates the five year supply paper agreed by DC Committee in June 2012. It covers the period 01/04/13-31/03/18 and reflects the changes introduced through the National Planning Policy Framework (NPPF, March 2012).

4. National Planning Policy Framework (March 2012)

- 4.1 The NPPF specifies in paragraph 47 that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 4.2 Paragraph 48 states that local planning authorities may make an allowance for windfall sites in the five year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.

- 4.3 In the event that the supply is not demonstrated then an Inspector will take this into account when assessing appeals against the refusal of planning permission.
- 4.4 The housing supply position for LPAs should be monitored on an annual basis to ensure there is a continuous five year supply of housing.
- 5. LB Bromley Five Year Supply of Housing 2012
- 5.1 Annex 1 to this report sets out the Borough's five year housing supply position (2013/14-2017/18). This illustrates that the Borough can accommodate five years supply of housing through a variety of deliverable sites and has delivered in terms of completions over the past few years. Therefore a buffer of 5% of units has been added to the Borough's overall 5 year target in line with the requirements of the NPPF.

6. POLICY IMPLICATIONS

The five year supply position is important to establish how the Borough is performing in terms of housing completions and future housing supply. The NPPF (March 2012) specifies that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Non-Applicable Sections:	Financial, Legal and Personnel
Background Documents: (Access via Contact Officer)	National Planning Policy Framework (March 2012) The London Plan (July 2011) Authority Monitoring Report January 2013 (LB Bromley)

**ANNEX 1
LB BROMLEY FIVE YEAR SUPPLY OF HOUSING**

FIVE YEAR SUPPLY OF DELIVERABLE LAND FOR HOUSING (June 2013)

1.0 GOVERNMENT GUIDANCE

National Planning Policy Framework (NPPF) (March 2012)

- 1.1 The NPPF specifies in paragraph 47 that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 1.2 The NPPF specifies that to be considered deliverable, sites should be available now, offer a suitable location for development, be achievable with a realistic prospect that housing will be delivered on the site within five years and that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years.
- 1.3 Paragraph 48 states that local planning authorities may make an allowance for windfall sites in the five year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.

2.0 LONDON BOROUGH OF BROMLEY FIVE YEAR SUPPLY

- 2.1 This paper sets out Bromley's position on five year supply (01/04/13-31/03/18).
- 2.2 Policy H1 of the Adopted Unitary Development Plan (2006) deals with housing supply (11,450 units) over a period of 1997-2016. This period originates from the GLA London Housing Capacity Study (2000). The Study has been superseded by two other Capacity Studies based on 10 year periods and incorporated into the London Plan (2008 and 2011). It is considered that the London Plan is the most up to date Plan to take into consideration for housing supply targets and reference to a 20 year period for monitoring purposes is no longer relevant.¹
- 2.3 An annual housing target figure of 485 units applied to the Borough from 2007/08 – 2010/11 as a result of the Borough participating in the 2005 London Housing Capacity Study.

¹ GLA advise (Jan 2011) that targets from previous plan periods do not accrue.

- 2.4 The Council contributed to the London-wide Strategic Housing Land Availability Assessment / Housing Capacity Study (SHLAA, 2009). As a result of the Assessment and the Examination in Public into the Draft Replacement London Plan (DRLP, 2009/10) an annual housing monitoring target of 500 units has been allocated to the Borough in the adopted London Plan (July 2011) for the plan period 2011/12 – 2020/21.
- 2.5 The GLA are currently starting work to update the 2009 SHLAA. The Borough's five year supply paper will be kept under review in light of emerging local plan policies.

Current housing provision targets and delivery

- 2.6 Table 1 below illustrates that housing completions have exceeded the annual target for the five years shown and are in excess of the cumulative target by 539 units. In light of the rate of completions it is considered that an additional buffer of 5% is relevant for the Borough.

Financial Year	Completions (units)	Cumulative Completions	Cumulative Target
2007/08	713	713	485
2008/09	494	1207	970
2009/10	553	1760	1455
2010/11	672	2432	1940
2011/12	547	2979	2440

Table 1 Completions 2007/08-2010/11

- 2.7 Table 2 sets out the Borough's position on housing delivery against the current ten year target (2011/12-2020/21). During the five year supply period Table 2 shows that the Borough needs to deliver approximately 2471 units (taking into account previous completions). The excess of completions for 2011/12 has been spread throughout the ten year plan period.

Financial Year	Completions	Cumulative Completions to date	Cumulative Target
2011/12	547	547	500
2012/13	500 (est)	1047	1000
2013/18	2471		3500
2018/19	-		4000
2019/20	-		4500
2020/21	-		5000

Table 2 Housing Targets LB Bromley 2011/12 – 2020/21

- 2.8 The 5% buffer would increase the five year figure from 2471 units to 2594 units. This results in an annual 'target' of 519 units per annum over the five year period.

Five year supply position

- 2.9 The following sites make up Bromley's five year supply (based on units available and not whole sites) and are set out in Appendix 1 to this paper:

- a) Large (9/10+units) and small sites with planning permission;
- b) Large and small sites that have commenced;
- c) Relevant large identified sites.

a) Sites with planning permission

- 2.10 Sites were assessed to determine if they would be deliverable over the five year period. Where relevant developers/agents were contacted to establish if sites were likely to be brought forward or if a start date was known. In some cases developers were able to confirm that work had already started on site or was imminent. If sites were unlikely to be pursued within the five year timescale they were removed from the list.
- 2.11 There are approximately 400 units on small sites (<10 units) in the pipeline that have not commenced. From 04/05 to 11/12, on average planning permission was granted for over 440 units per annum on these sites and completions have been in the region of 220 units per annum. Over the past eight years, on average, delivery on small sites has typically accounted for around 36% of completions overall.
- 2.12 It is considered that delivery on small sites is not insignificant and has been consistent over the past eight years. Therefore a conservative allocation of 300 units over five years is likely to be deliverable and takes into account advice set out in paragraph 48 of the NPPF.
- 2.13 It is anticipated that we will look to undertake a review of small site, vacant unit, and office conversion contributions to housing supply and include this in future analyses of supply.

b) Sites that have commenced

- 2.14 Sites that have started are considered deliverable over the five year supply period. Any large completed sites were removed from the list in addition to units on uncompleted large sites (up to mid March 2013). For example 383 units were completed on the Blue Circle site up to 01/03/2013 and therefore the net total remaining is 405 units out of a total of 788 units.
- 2.15 There are 239 units (on small sites) that have started and it is expected that these will be delivered by the end of the five year supply period.

c) Large identified sites

- 2.16 Sites B, C and K within the Bromley Area Action Plan (BAAP, adopted October 2010) were included in the SHLAA results for Phase 2 of the Assessment (2011/12-2015/16). Development at Site K (Westmoreland Road) including 200 residential units was granted planning permission in March 2012. At this point in time it is estimated that there are 260 deliverable units in total.
- 2.17 Site L within the BAAP was included in the SHLAA results for Phase 3 of the Assessment (2016/17-2020/21). Negotiations are on-going for the site and it is anticipated that within the five year supply period approximately 30 units could be deliverable.

Conclusion

- 2.18 Appendix 1 illustrates that Bromley is able to meet its five year supply target of 2594 units (including the 5% buffer) given that there are over 2700 deliverable units in the pipeline. In light of this, regard will be had to policies in the London Plan, the Bromley Development Plan, the NPPF and other material considerations when assessing new planning applications.
- 2.19 The Council's five year supply position will be monitored on a regular basis.

APPENDIX 1

Borough Reference	Net Gain Excluding unit completions to date*	Site Address		Post Code	Ward	Current Permission Status	Permission Date
Sites with permission not commenced							
12/01112/DET	8	15	Bickley Road	BR1 2ND	BICKLEY	Not started	08/02/2012
11/03865/FULL1	200	Site K Bromley Area Action Plan' Multistorey Car Park	Simpsons Road	BR1	BROMLEY TOWN	Not started	26/03/2012
12/01838/FULL1	16	47	Homesdale Road	BR2 9TN	BROMLEY TOWN	Not started	14/02/2013
10/01078/FULL1	9	Holy Innocents Rc Primary School	Mitchell Road	BR6 9JT	CHELSFIELD AND PRATTS BOTTOM	Not started	15/02/2011
11/01079/EXTEND	9	12	Hayne Road	BR3 4HY	CLOCK HOUSE	Not started	26/05/2011
10/02964/FULL1	19	57	Albemarle Road	BR3 5HL	COPERS COPE	Not Started	14/02/2012
11/01168/EXTEND	44	Land Rear of 86-94	High Street	BR3	COPERS COPE	Not started	05/12/2011
10/02346/FULL1	9	125	Park Road	BR3	COPERS COPE	Not started	07/09/2011
11/02140/OUT	48	Part Of Kent County Cricket Ground	Worsley Bridge Road	BR3 1RL	COPERS COPE	Not started	29/03/2012
10/03698/FULL1	-14	Alkham Tower	Bapchild Place	BR5 3PL	CRAY VALLEY EAST	Not started	02/11/2011
11/00701/OUT	28	Adjacent 7	Fordcroft Road	BR5 2DA	CRAY VALLEY EAST	Not started	30/03/2012
12/00304/FULL1	50	76	High Street	BR6 0JQ	CRAY VALLEY EAST	Not started	06/02/2013
12/02658/FULL1	41	Chipperfield Day Centre	Chipperfield Road	BR5 2PY	CRAY VALLEY WEST	Not started	19/02/2013
12/03634/FULL1	24	2	Betts Way	SE20 8TZ	CRYSTAL PALACE	Not started	01.03.2013
12/03859/FULL1	9	193	Anerley Road	SE20 8EL	CRYSTAL PALACE	Not started	26/03/2013
12/02443/FULL1 and 12/02913/FULL2	56	Holy Trinity Convent School	Plaistow Lane	BR1 3LL	PLAISTOW AND SUNDRIDGE	Not started	15/11/12 and 21/12/2012
11/01989/FULL1	14	Sundridge Park Mansion	Willoughby Lane	BR1 3FZ	PLAISTOW AND SUNDRIDGE	Not started	04/10/2011
10/02308/FULL1	67	Sundridge Park Management Centre Ltd	Plaistow Lane	BR1 3JW	PLAISTOW AND SUNDRIDGE	Not started	06/09/2011
12/02695/DET	9	51	Palace Road	BR1 3JU	PLAISTOW AND SUNDRIDGE	Not started	16/01/2013
12/03036/FULL1	9	Plaistow Lane Service Station	Plaistow Lane	BR1 4DS	PLAISTOW AND SUNDRIDGE	Not started	29/01/2013
TOTAL	655						
Sites Commenced							
11/03940/FULL1	9	Dunoran Home, 4	Park Farm Road	BR1 2PF	BICKLEY	Started	21/03/2012
09/03615/FULL1	19	160-166	Main Road	TN16 3BA	BIGGIN HILL	Started	11/10/2010
11/01412/FULL1	7	49	Sunningvale Avenue		BIGGIN HILL	Started	21/07/2011
11/00563/FULL1	-14	Denton Court 60	Birch Row	BR2 8DX	BROMLEY COMMON & KESTON	Started	23/11/2011
03/02319/OUT and	405	Blue Circle Sports Ground	Crown Lane	BR2 9PQ	BROMLEY COMMON AND	Started	22/11/2007

Borough Reference	Net Gain Excluding unit completions to date*	Site Address		Post Code	Ward	Current Permission Status	Permission Date
10/00740/DET					KESTON		
07/03632/FULL1	160	Land At South Side Of	Ringers Road	BR1 1HP	BROMLEY TOWN	Started	04/01/2008
07/03764/DET	158	Ravensbourne College Of Design & Communication	Walden Road	BR7 5SN	CHISLEHURST	Started	14/01/2008
03/04554/FULL1	58	Maunsell House, 160	Croydon Road	BR3 4DE	CLOCK HOUSE	Started	26/02/2009
05/04534/OUT	14	103 & 105 And Woodland At Rear Of 109-117	Copers Cope Road	BR3 1NR	COPERS COPE	Started	21/12/2006
09/01664/FULL1	149	Dylon International Ltd	Worsley Bridge Road	SE26 5HD	COPERS COPE	Started	15/04/2010
10/03086/FULL1	39	Invicta Works	Chalk Pit Avenue	BR5 3JQ	CRAY VALLEY EAST	Started	30/06/2011
09/02881/DET	96	Anerley School For Boys Blocks D & E	Versailles Road	SE20 8AX	CRYSTAL PALACE	Started	22/01/2010
07/04649/DET	32	Anerley School For Boys	Versailles Road	SE20 8AX	CRYSTAL PALACE	Started	10/03/2008
04/03547/FULL1	10	Fair Acres Estate	Fair Acres	BR2 9BL	HAYES AND CONEY HALL	Started	21/01/2005
09/02956/DET	9	12-14	Kemerton Road	BR3 6NJ	KELSEY AND EDEN PARK	Started	26/01/2010
10/03407/FULL1	9	89	Kings Hall Road	BR3 1LP	PENGE AND CATOR	Started	01/11/2011
TOTAL	1160						
Allocated sites							
UDP PROP SITE	10	Land adjacent Clock House station			CLOCK HOUSE		
Bromley Area Action Plan	60	Sites B and C			BROMLEY TOWN		
Bromley Area Action Plan	30	Site L DHSS Building Westmoreland Road			BROMLEY TOWN		
Other sites							
12/03385/FULL1	20	Sheila Stead House	Bushell Way	BR7 6SF	CHISLEHURST	Permission subject to S106	
12/00776/OUT	56	Grays Farm Production Village	Grays Farm Road	BR5 3BD	CRAY VALLEY WEST	Permission subject to S106	
12/00976/OUT	179	Langley Court	South Eden Park Road	BR3	KELSEY AND EDEN PARK	Permission subject to S106	
Small sites started							
	239				BOROUGH-WIDE		
Small sites with planning permission							
	300				BOROUGH-WIDE		
Overall total	2709						

Report No. London Borough of Bromley
DRR13/078
PART ONE - PUBLIC

Decision Maker: Development Control Committee

Date: 20th June 2013

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

Title: Supplementary Planning Documents Affordable Housing and Planning Obligations: Payments in Lieu Addendum

Contact Officer: Claire Glavin, Planner
Tel: 020 83134477 E-mail: claire.glavin@bromley.gov.uk

Chief Officer: Jim Kehoe, Chief Planner

Ward: N/A

1. Reason for report

This report advises Members of changes to the methodology of calculating payments in lieu for relevant affordable housing schemes. Consequently, an addendum to the Council's adopted Supplementary Planning Documents (SPDs) on Affordable Housing and Planning Obligations has been produced and forms Appendix 1.

Reference to the need to update the above SPDs was made in DC Committee report 'Changes to PPS3 and Supplementary Planning Documents' (12/01/12), paragraph 4.3.

2. **RECOMMENDATION(S)**

That Development Control Committee

2.1 Agrees the addendum to the Council's adopted SPDs on Affordable Housing (2008) and Planning Obligations (2010) updating references to payments in lieu.

2.2 Notes changes in methodology to calculate payments in lieu.

Corporate Policy

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

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: N/A
 3. Budget head/performance centre: Planning Division Budget (excl Building Control & Land Charges)
 4. Total current budget for this head: £1.708m
 5. Source of funding: Existing Revenue Budgets
-

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: Existing Government Guidance
 2. Call-in: Not Applicable:
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 The consideration of payments in lieu (PIL) on relevant sites is only considered in exceptional circumstances where a robust case has been presented to the Council. This approach is also supported in national and regional policy documents, in addition to the Council's adopted Supplementary Planning Documents (SPDs) on Affordable Housing (March 2008) and Planning Obligations (December 2010). The methodology for calculating PIL in Bromley, set out in the Council's Affordable Housing SPD (based on Total Cost Indicators) needs to be updated to include the Affordable Rent tenure and reflect the fact that Total Cost Indicators are no longer in use.

National and Regional Affordable Housing Policy

- 3.2 The National Planning Policy Framework (NPPF, March 2012) specifies in paragraph 50 that local planning authorities should:
- Plan for a mix of housing and where affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified;
 - Ensure the agreed approach to housing provision contributes to the objective of creating mixed and balanced communities;
 - Make sure policies are sufficiently flexible to take account of changing market conditions over time.
- 3.3 Paragraph 3.74 of the London Plan (2011) states that affordable housing provision is normally required on-site. In exceptional circumstances it may be provided off-site or through a cash-in-lieu contribution ring fenced, and if appropriate 'pooled' to secure efficient delivery of new affordable housing on identified sites elsewhere.
- 3.4 Annex 2 Glossary updates the definition of affordable housing to include "Social rented, Affordable Rented and intermediate housing, provided to eligible households whose needs are not met by the market".
- 3.5 It is considered that the Council's adopted policies on affordable housing reflect the above policy aims.

Adopted Unitary Development Plan (2006) and Supplementary Planning Documents (SPDs) Affordable Housing and Planning Obligations

- 3.6 Policy H3 of the Unitary Development Plan (UDP) states that "where it has been determined that a site meets the size threshold and is suitable for affordable housing, payment in-lieu of affordable housing on site or provision in another location will be acceptable only in exceptional circumstances and where it can be demonstrated that:
- it would be impractical to transfer the affordable housing to a registered social landlord (RSL);
 - or
 - on site provision of affordable units would reduce the viability of the development to such a degree that it would not proceed;
 - on-site provision of affordable units would not create mixed and balanced communities and there would be benefit in providing such units at another location."

3.7 Paragraph 6.41 of the Affordable Housing SPD states that where a PIL is considered acceptable the formula for calculating the financial contribution from an applicant/developer to the Council is the:

“Difference between market value and financial contribution (as set out in the Appendix 2 of the SPD) x number of affordable units.”

3.8 Appendix 2 of the SPD lists financial contributions in terms of unit size and probable occupancy based on Total Cost Indicators (TCIs) 2005/6 for the Borough (published by the former Housing Corporation) and adjusted by annual build cost inflation thereafter. TCIs are no longer in use.

3.9 Consequently, it is necessary to update the way PILs are calculated to take account of national changes to the definition of affordable housing (to include ‘Affordable Rented’ housing) and the fact that TCIs are no longer produced.

3.10 Appendix 1 of the Planning Obligations SPD sets out when a PIL may be considered and the formula for calculating a payment.

Payment in Lieu Calculation

3.11 To address the above issues it has been necessary to update the current PIL methodology. Strategic Housing Officers, in partnership with neighbouring boroughs in the South East London Sub Region, commissioned consultants to produce a software tool that incorporates the necessary data and benchmarks to facilitate such calculation on a scheme by scheme basis.

3.12 The calculation will attribute a monetary value to account for the affordable housing contribution on site in accordance with Policies H2/H3 of the UDP, assuming that no grant will be available. It will take account of different tenures of housing, property size, open market value, postcodes, service charges and certain other key variables. Therefore the calculation will reflect the specific characteristics of the scheme and the site location.

3.13 In summary the approach uses the following formula to calculate the PIL:

Difference between the open market value of the equivalent on-site affordable housing units and the maximum price that a Registered Provider (RP) would reasonably pay for those units, assuming nil grant (with limited adjustment reflecting potential cost variation for provision of units for private sale rather than affordable housing, e.g. marketing costs).

3.14 The above formula is similar to that set out in the Affordable Housing and Planning Obligations SPDs. The main change is the updated approach to establishing the ‘financial contribution’ (from that used in the existing SPD as noted in 3.7 above).

Changes to adopted SPDs on Affordable Housing and Planning Obligations

3.15 In light of the above changes an addendum is required to both of the Council’s adopted SPDs referring to the formula wording set out in paragraph 3.13 above. This should be taken into consideration in the determination of relevant planning applications.

3.16 Appendix 1 to this report comprises the proposed addendum.

4. POLICY IMPLICATIONS

4.1 The addendum attached as Appendix 1 to this report will be taken into consideration in the development of forthcoming policy documents including the Core Strategy/Local Plan, any replacement SPDs and the assessment of relevant planning applications.

5. LEGAL IMPLICATIONS

- 5.1 Changes to the PiL methodology may need to be referred to in future Section 106, BiLateral and Unilateral Agreements where applicable.

Non-Applicable Sections:	Personnel Financial
Background Documents: (Access via Contact Officer)	National Planning Policy Framework (March 2012) London Plan (July 2011) Adopted Supplementary Planning Document Affordable Housing (March 2008) Adopted Supplementary Planning Document Planning Obligations (December 2010) Adopted Unitary Development Plan (2006)

APPENDIX 1

ADDENDUM (JUNE 2013) TO COUNCIL'S:

ADOPTED SUPPLEMENTARY PLANNING DOCUMENT AFFORDABLE HOUSING (2008)

Amend paragraph 6.41

"Where a payment in lieu is considered acceptable the formula for calculating the financial contribution from an applicant/developer to the Council is as follows:

Difference between the open market value of the equivalent on-site affordable housing units and the maximum price that a Registered Provider (RP) would reasonably pay for those units, assuming nil grant (with limited adjustment reflecting potential cost variation for provision of units for private sale rather than affordable housing e.g. marketing costs).

Delete Appendix 2

ADOPTED SUPPLEMENTARY PLANNING DOCUMENT PLANNING OBLIGATIONS (2010)

Amend Appendix 1 "Affordable Housing" entry under "Formula" to read:

"Formula for calculating financial contributions in lieu of on-site affordable housing provision is as follows:

Difference between the open market value of the equivalent on-site affordable housing units and the maximum price that a Registered Provider (RP) would reasonably pay for those units, assuming nil grant (with limited adjustment reflecting potential cost variation for provision of units for private sale rather than affordable housing e.g. marketing costs).

Agenda Item 8

Report No.
DRR 13/083

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: **Development Control Committee**

Date: **20th June 2013**

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

Title: **PLANNING SERVICE IMPROVEMENTS**

Contact Officer: Jim Kehoe, Chief Planner
Tel: 020 8313 4441 E-mail: jim.kehoe@bromley.gov.uk

Chief Officer: Marc Hume, Director of Renewal & Recreation

Ward: All

1. Reason for report

1.1 The Development Control Committee endorsed a revised Outline Planning Improvement Plan as a framework for improvement at its 9th April 2013 meeting. It identified Customer Service as the first priority area and Planning Enforcement as the next priority area. An updated version of the Improvement Plan is attached at Appendix One. A report was made to the June 2013 Renewal and Recreation PDS Committee and an update will be given. A separate report on Planning Enforcement is on the agenda.

2. **RECOMMENDATION(S)**

2.1 That the Planning Service Improvements be noted and that the next priorities set out in the report, be endorsed.

Corporate Policy

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

Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Planning and Renewal
 4. Total current budget for this head: £2.589m
 5. Source of funding: Existing revenue budget 2013/2014
-

Staff

1. Number of staff (current and additional): 64ftes (excluding Building Control, Land Charges)
 2. If from existing staff resources, number of staff hours: 14
-

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): those promoting and commenting on about 3,000 planning applications per year.
-

Ward Councillor Views

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

3. COMMENTARY

3.1 Background

The approach we are taking follows the revised Outline Improvement Plan endorsed by the Committee at its April Meeting. This enables the improvements to be introduced in a prioritised way and for the Committee to influence those priorities.

3.2 Action Underway and Results so far

Our early actions have focused on the early stages of planning application processing, in particular the validation process. One quantitative result is the reduction of applications pending; this has now reduced to around 650 from 1100 – in the second quarter of 2012/2013.

In response to customer feedback, we have made a significant change to the way in which customer telephone calls are dealt with within Planning, as this a DCC priority in April and we identified critical customer feedback. The calls are now answered on a 'hunt' system within the Planning Support team. This leads to a more rapid response to telephone call enquiries.

These will include by the end of July:-

- Further customer surveys (applicants, consultees and neighbours), combined where possible with existing communications;
- A forum event with regular users (e.g., Applicants, Agents);
- An all Councillor Seminar on Planning Customer Service.

The DCC was particularly concerned about telephone contact with staff and it is intended to expand the hours of availability of Development Control staff from 8.30 – 10.00 a.m., and 3.30 – 4.45 p.m., to all normal office working hours from the start of July 2013.

Members queried the availability of off-site retrieval of archived files. We can clarify that, where files are needed urgently, they can be obtained within 24 hours on working days. It is also clarified that neighbours who have been notified of an application can view files and see officers by appointment at the Civic Centre, subject to available resources.

3.3 Proposed Actions

These focus on the Enforcement part of the Planning service, and are the subject of a separate report on this agenda.

4. POLICY IMPLICATIONS

4.1 None for the purpose of this report.

5. FINANCIAL IMPLICATIONS (need to update these to latest available)

5.1 There are no direct revenue implications arising from this report.

5.2 A breakdown of the provisional outturn position for 2012/13 is shown below, along with the budget for 2013/14 for information: -

Type of expenditure/income	2012/13 Latest budget £'000	2012/13 Projected outturn £'000	2012/13 Variance £'000	2013/14 Original Budget £'000
Employees	3,060	2,757	(303)	2,631
Premises	10	9	(1)	10
Transport	19	21	2	21
Supplies & services	628	557	(71)	206
Income	(1,585)	(1,165)	420	(1,160)
Controllable budget	2,132	2,179	47	1,708
Net recharges	693	693	0	881
Total Net Budget	2,825	2,872	47	2,589

6. PERSONNEL IMPLICATIONS

6.1 None for the purposes of this report.

7. LEGAL IMPLICATIONS

7.1 None for the purposes of this report.

Non-Applicable Sections:	
Background Documents: (Access via Contact Officer)	

OUTLINE PLANNING IMPROVEMENT PLAN - PROJECT – REVISED

Appendix 1

Objectives

1. To support Economic Growth.
2. To improve Customer Service.
3. To improve efficiency, producing savings.
4. To respond to pressure to change e.g., National Planning Policy Framework and Development Plan.
5. To improve the quality of Councillor/Officer decision making and the quality of the completed development.
6. To deliver Training and Development programmes for staff and Councillors.
7. To improve Planning Enforcement and Untidy Sites Communication.

Actions – Draft

1. **Support Economic Growth and other Planning Objectives**
 - Seek a higher quality of submission and approve more applications, especially major and minor categories;
 - Speed up application processing, so projects can get the certainty they need;
 - Seek to be more flexible to changing circumstances;
 - Identify stalled sites due to site viability;
 - Bring forward Development Plan adoption to increase certainty about the Council's intentions and offer a clear policy lead that takes into account local evidence.
 - Ensure clarity of the Council's requirements for validation of applications;
 - Review Development Team approach from pre-application stage.
2. **Improve Customer Service**
 - Improve ease of website use (analysis of actual usage);
 - Increase amount of information available on the Council website to avoid other more costly methods (e.g., by phone or personal

emails) and to make it easier for consultees and the public to monitor progress with an application;

- Ensure phone call and written responses by planning are done on time;
- Reduce time taken over applications, changes to improve quality;
- Complete Customer Surveys and act on results;
- Promote Agents and developer forum feedback;
- Review communications – internal/external, including to Ward Councillors, making it easier for Councillors to obtain information on controversial applications.
- Include a wider range of representations and objections on the website.

3. **Improve efficiency, producing savings**

- Check newspaper adverts – cost;
- Check budgets for efficiency;
- Check staff levels for efficiency;
- Ensure we are adopting Best Practice wherever appropriate e.g., GIS/Land Charges;
- Identify relevant management indicators:- e.g., former NI157, backlog of time expired applications time taken to validate;
- Enhance the efficiency driving role in service;
- Review pre-application service processes including participation of parties outside planning and Section 106 obligations.

4. **Pressure to change e.g., National Planning Policy Framework (NPPF) and Development Plan.**

- NPPF – consider position on Development Plan adoption;
- Update Local Development Scheme (adopted vs. latest estimates);
- 5 year land supply – ensure it is kept robust and up to date;
- Prepare Community Infrastructure Levy Plans;
- Establish a method for deciding on any action arising from pressure to change e.g., ministerial announcements;

5. **Improve quality of decision making and the quality of the completed development.**

- Review the lessons to be learnt from Planning Appeals;
- Review the 'Public face' of Plans Sub-Committees and call-in process to Committees;
- Expand the level of Royal Town Planning Institute RTPI (or equivalent) membership;
- Complete an assessment of quality of decision – making.

6. **Training and Development programmes for staff and Councillors**

- Ensure Continuing Professional Development is maintained by officers
- Consider obtaining RTPI Learning Partner status for Bromley Council;
- Short updates for staff e.g., lunchtime, by staff for staff;
- Circulation of professional updates e.g., Planning Magazine;
- Councillors – Training before participating in decisions on Applications or Policy for new Councillors as necessary;

- Tour and assessment of completed developments;
- Annual programme of Councillor updating, seminars, training on Planning.
- Consider attendance at Planning Summer School;

7. **Planning Enforcement and Untidy Sites Communication**

- Finalise and adopt an Enforcement and Compliance Strategy
- Improve the information available to Councillors on the progress with enforcement and untidy site cases, through an increase in the frequency and detail of reports to DCC and updating of Councillors interested in specific cases.
- Agree a package of performance monitoring information on enforcement/untidy site cases.
- Identify a manageable volume of priority issues where we monitor compliance e.g., types of planning conditions.
- Arrange Councillor Seminars on selected Planning Enforcement/Untidy Site topics

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Agenda Item 9

Report No.
DRR13/085

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Thursday 20 June 2013

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

Title: PLANNING PERFORMANCE AND IMPROVEMENTS -
FOCUS ON ENFORCEMENT

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

Chief Officer: Chief Planner

Ward: Borough-wide

1. Reason for report

- 1.1 Further to the report on Planning Performance and Proposed Direction of Improvements to Development Control Committee on 29 January 2013, this report focuses on the enforcement of planning control.
 - 1.2 A central theme of the report is the adoption of a Local Enforcement Policy which was previously reported to Development Control Committee on 28 June 2012, when it was resolved to prepare and adopt such a Policy in accordance with the guidance in the NPPF incorporating the changes introduced by the Localism Act 2011. A copy of the previous report is attached (Appendix 1)
 - 1.3 It is now recommended that the policy is adopted by the Council and placed on the website as a framework for reinforcing the Council's planning enforcement powers.
-

2. **RECOMMENDATION**

That the contents of the Local Enforcement Policy in Appendix 1 be adopted and the action identified in the report be completed.

Corporate Policy

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

Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A
 3. Budget head/performance centre: Planning – Appeals & Enforcement Section
 4. Total current budget for this head: £285k
 5. Source of funding: Existing revenue budget 2013/14
-

Staff

1. Number of staff (current and additional): 4
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement Non-Statutory - Government Guidance:
 2. Call-in: Applicable:
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 Members have previously resolved to authorise the adoption of a Local Planning Enforcement Policy. It is proposed to place the policy document on the Council's website to provide guidance on enforcement matters to local residents, property owners, planning agents, amenity societies and other organisations involved in the development process.
- 3.2 The Enforcement Policy forms part of a range of suggested improvements to the planning enforcement service. The following sections highlight a number of key issues and suggests how the service could be improved.

Improved Communications

- 3.3 Concerns are occasionally raised that complainants are not kept informed of progress on enforcement cases. Although there is regular contact with Members in response to enquiries about specific cases, it is acknowledged that communications with the public could be improved.
- 3.4 Since 2008 a monthly list of enforcement notices has been circulated to all Members.. However this does not include any information about new complaints received or where enforcement action has been authorised. The majority of enforcement action is authorised under delegated authority and only a small proportion of cases are reported to committee. Action which has been authorised under delegated authority is reported to Plans Sub Committee (Section 5) on an ad hoc basis..
- 3.5 A suggested improvement may be to report delegated enforcement action to Plans Sub Committee on a more regular basis – for example monthly – to provide information on a more frequent basis . Greater use could be made of the intranet to circulate this information on a more frequent basis than at present.
- 3.6 Many enforcement notices are the subject of appeals and copies of all appeal decisions are circulated to Members on a weekly basis. This practice will continue and any queries on specific appeal decisions should be addressed to the Planning Appeals team. .
- 3.7 The Planning Enforcement Team has a close working relationship with the Council's Legal Section who are responsible for preparing and issuing the notices. Weekly liaison meetings provide a useful forum for discussing specific cases and seeking a legal opinion before taking action. Regular contact with the Council's solicitors is an essential factor in determining the most appropriate course of action. The situation has improved since the Planning and Legal Sections are now both located in the Old Palace.
- 3.8 Quarterly enforcement monitoring reports are submitted to this Committee every 3-4 months and this practice will continue. The format of the report has been extended to include prosecutions and reference to any significant cases which may be of wider interest. The latest quarterly report (January to March 2013) is reported elsewhere on this agenda

Legal Framework

- 3.9 The present enforcement regime dates from around 1990 and its evolution over the past 20 years provides the context for the current system. Significant improvements to the enforcement system were made following the Carnwath Report on Enforcing Planning Control (1989). Subsequent legislation, including the Town and Country Planning Act 1990 and the Planning and Compensation Act 1991, introduced additional measures such as Planning Contravention Notices and Breach of Condition Notices to deal with breaches of planning control more effectively.

3.11 Subsequent policy guidance including PPG18 (Enforcement Planning Control) and Circular 10/97 (Legislative Provisions and Procedural Requirements) and a Good Practice Guide for Local Planning Authorities' provided further support for taking enforcement action. The NPPF provides further policy guidance stating that:

'Effective enforcement is important as a means of maintaining public confidence in the planning system and advises Local Planning Authorities to consider publishing a local enforcement plan to manage enforcement proactively.'

3.12 The enforcement of planning control remains a complex and specialised area of planning which frequently requires a high degree of legal expertise. Failure to follow the prescribed legal procedures can lead to problems further down the line, for example at the appeal stage or in the event of a prosecution. Although this may result in delays in serving notices or at the prosecution stage the additional time involved is normally justified.

Timescales

3.13 The Enforcement Policy includes a range of targets and timescales for the investigation and resolution of breaches of planning control. However in practice it is not always possible to comply with the suggested timescales and there may be criticism that enforcement action is taking too long and may be ineffective in resolving the breach. Despite the improvements of the early 1990s in practice the enforcement system remains cumbersome, slow to react and constrained by the need to comply with the relevant legal requirements. Such requirements cannot be ignored and failure to do so may result in the notice being quashed on appeal or an unsuccessful prosecution if the matter reaches the courts.

3.14 In the event of an appeal or prosecution the timescales can be further extended as jurisdiction for determination passes to external agencies which are largely beyond the Council's control. While the timescales for appeals may have improved, court delays remain a significant source of external delay.

3.15 The expectations of the public have also changed in that complainants increasingly expect their concerns to be dealt with speedily and effectively. Some of the more straightforward breaches can be resolved within a matter of days whereas other alleged breaches, such as intermittent activities or where the owner cannot be contacted or will not respond, can take much longer. Failure to deliver instant results may result in disappointment and frustration, and in turn increased pressure on Ward Members.

3.16 There are no easy solutions to this issue but a possible improvement may be to manage the expectations of complainants more effectively. Complainants are kept informed of the progress of their complaint, although this may not be as frequent as they would like.

3.17 Providing greater feedback to local residents could have resource implications for a small team which has limited capacity to undertake additional work. Enforcement Officers' spend much of their time out of the office due to the nature of their work and have limited time to ensure that all parties are kept informed of progress. A considerable amount of enforcement officers time is devoted to dealing with enquiries about progress on specific cases which can divert attention from their main investigative role. The current split is around 60% of the time on site and 40% in the office dealing with mainly support tasks.

3.18 The timescales and targets set out in the policy (para. 5.6, Appendix 1) are considered to be fair and reasonable but should be implemented with a considerable degree of flexibility. In practice the target timescale may need to be extended and the complainant notified. It is proposed that an efficiency review of customer information related to these timescales be completed and reported back to the Committee as part of our programme of improvements.

Historic enforcement cases

- 3.19 The majority of alleged breaches of planning control can be resolved quickly, within a matter of weeks. However there are a minority of more complex enforcement cases which may take considerably longer to resolve. Recent examples include Waldens Farm (10 years), Fairtrough Farm (9 years) and Sheetings Farm (16 years). The protracted timescale can be due to a variety of factors which are largely beyond the Council's control, such as lengthy legal proceedings, repeated appeals or the scale of the activities involved and lack of resources.
- 3.20 Fortunately, the incidence of such cases is relatively small and will never be eliminated. However their complexity and duration can demand considerable staff resources and divert attention from the less contentious, but nevertheless important cases.
- 3.21 One suggested course of action for cases more than 2 years old is to report them to committee for an annual review. This would enable Members to decide on the most appropriate course of action and assess whether more or less resources are required. Clearly finding a resolution to such cases is important but should not be at the expense of many other smaller scale breaches.

Non-Applicable Sections:	Finance, Policy, Legal, Personnel.
Background Documents: (Access via Contact Officer)	

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Report No.
DRR/12/072

London Borough of Bromley

PART 1- PUBLIC

Decision Maker: Development Control Committee

Date: 28 June 2012

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

Title: Proposed Review of Planning Enforcement Policy

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

Chief Officer: Chief Planner

Ward: Boroughwide

1. Reason for report

- 1.1 The Localism Act took effect in November 2011 and introduced a number of new measures to reinforce Local Planning Authorities' enforcement powers. The changes to the Planning Act came into force on 6 April 2012. The National Planning Policy Framework published in March 2012 introduced new policy guidance which emphasises the importance of effective enforcement as a means of maintaining public confidence in the planning system.
- 1.2 This report summarises the recent changes in legislation and national policy guidance and reviews the Council's approach to planning enforcement.
-

2. **RECOMMENDATION**

- 2.1 Members note the report and authorise the preparation and adoption of a Local Enforcement Policy in accordance with the guidance in the NPPF and incorporating the recent changes introduced by the Localism Act.

Corporate Policy

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

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Recurring Cost :
 3. Budget head/performance centre:
 4. Total current budget for this head: £
 5. Source of funding:
-

Staff

1. Number of staff (current and additional): 4
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Non-Statutory - Government Guidance:
 2. Call-in: Not Applicable:
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

Localism Act 2011

3.1 The Localism Act 2011 came into effect in November 2011 and introduced a number of new provisions relating to the enforcement of planning control. Part 6 of the Localism Act relates to planning and the provisions relating to enforcement are set out in Chapter 5, (Sections 123-127). A copy of the Localism Act is available for inspection but the new enforcement provisions may be summarised as follows:-

3.2 Power to decline to determine retrospective applications (Section 70C)

The practice of submitting retrospective planning applications as a means of delaying enforcement action or prosecution where there is an effective enforcement notice has long been unpopular with Members and local residents. The Localism Act now enables Local Planning Authorities (LPAs) to decline to determine a planning application if it relates to the matters specified in an enforcement notice. This section applies to an enforcement notice issued before the application was received by the LPA. The right of appeal has also been restricted and Section 174(2A) states that an appeal may not be made on ground (a) – that planning permission should be granted - if the enforcement notice was issued after the application for planning permission was made.

3.3 Time limits for enforcing concealed breaches of planning control (Section 171B)

The Act introduces additional time limits in cases involving concealment of a breach of planning control. The LPA may apply to the magistrates court for an order (known as a “Planning Enforcement Order” relating to an apparent breach of planning control. If an order is made the LPA may take enforcement action in respect of the apparent breach at any time in the “enforcement year” ie. a period of 1 year beginning 22 days after the courts’ decision.

3.4 Sections 171BB & BC set out the procedures involved in applying for a planning enforcement order, and in making the order.

3.5 Offences, time limits and penalties (S126)

The penalties for being in breach of a Breach of Condition Notice have been increased from level 3 to level 4 on the standard scale. This is in response to earlier concerns that the maximum fine of £1000 was insufficient and did not provide an effective deterrent for breaching a planning condition.

3.6 Unauthorised display of advertisements (S127)

The Act has introduced additional powers to remove structures used for the unauthorised display of advertisements. In certain cases the LPA may remove and dispose of any display structure, including an advertisement hoarding which is used for the display of adverts in contravention of the Advertisement Regulations, subject to the prior service of a “Removal Notice”. There is a right of appeal against a removal notice to the magistrates court.

3.7 Section 225C introduces new powers to remedy persistent problems with unauthorised adverts on any building, wall, fence or other structure. The LPA may serve an “Action Notice” requiring the owner or occupier of the land to carry out measures specified in the notice within a period of not less than 28 days. Section 225D provides a right of appeal against an action notice in the magistrates court.

4. The National Planning Policy Framework

- 4.1 The NPPF was published in March 2012 with the stated intention of making planning policy simpler and more accessible. It took immediate effect and is a significant material consideration in making planning decisions at both national and local level. It established a presumption in favour of sustainable development to ensure that “development is not held up unless to approve it would be against our collective interest”. The NPPF also guarantees robust protection for the natural and historic environment and raises the bar on design standards.
- 4.2 A substantial number of former policy guidance documents, listed in Annex 3 of the NPPF have been withdrawn covering a wide range of planning matters, including PPG2 (Green Belts) and PPS5 (Planning for the Historic Environment). Of particular significance for planning enforcement is the withdrawal of PPG18 (Enforcing Planning Control) which was published in 1991. National policy guidance on planning enforcement has been reduced to a single paragraph (207), which is quoted in full below:

“Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary and LPAs should act proportionately in responding to suspected breaches of planning control. LPAs should consider publishing a local enforcement plan to manage enforcement proactively in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.”

- 4.4 The withdrawal of PPG18 and its replacement with paragraph 207 of the NPPF provides very little guidance as to how LPAs should approach planning enforcement. However, reflecting the trend towards localism this gives LPAs greater discretion and flexibility to formulate local enforcement policies. At the heart of this new approach will be the ‘Local Enforcement Plan’ setting out the Council’s management plan for the enforcement of planning control. The format and content of the enforcement plan has not yet been defined but as well as incorporating best practice from earlier guidance it should also incorporate the legislative provisions introduced by the Localism Act, as outlined above.

5. Enforcement Policy

- 5.1 In 2003 a report was submitted to DC Committee recommending a draft Enforcement Policy. A copy of the report is attached (Appendix A). The report outlined the legislative framework, the procedures for investigating alleged breaches of planning control and proposed a system of priorities for investigation within the constraints imposed by current resources. Although the general principles were accepted the policy was not formally adopted by the Council.
- 5.2 Bromley has historically experienced a high level of enforcement activity reflecting the high population, a high rate of development and extensive protected areas including green belt. The Council receives an average of 800-900 complaints per year regarding alleged breaches of planning control. In addition, it receives a substantial number of other complaints that do not involve breaches of planning control, for example boundary disputes, breaches of restrictive covenants or development which does not require planning permission. The Local Enforcement Plan (para. 4.4 above) should set out what residents should expect from the Council when an alleged breach of planning control is reported, how it will be investigated, how it will be prioritised and the likely timescale for investigation.

- 5.3 A number of LPAs have published enforcement policies which set out their general approach to dealing with breaches of planning control. However, the existing enforcement policies were prepared before the Localism Act and NPPF came into force and focus on the advice in PPG18 which has recently been withdrawn, and are likely to be updated in the context of the recent changes to the law and the new policy guidance.
- 5.4 Research indicates that 19 London Boroughs have an existing enforcement policy which is available to the public to view online. An analysis of policies adopted by other LPAs suggests that they follow a similar format, having the following elements in common:
- The need for planning enforcement.
 - The purpose of planning enforcement
 - Priorities and targets for investigation
 - Proposed course of action
 - How a typical enquiry is investigated
 - Outcome of investigation

Enforcement priorities

- 5.5 LPAs should ensure that its resources are used in the most effective manner, and it is common practice to prioritise enforcement cases according to the degree of harm being caused by the breach, as follows:

High Priority – Unauthorised development that causes immediate irreparable harm in the locality, eg. erection of a building without permission, unauthorised works to a listed building, felling of protected trees, deposit of waste material.

Medium Priority - Unauthorised development that causes some harm to the locality but not to the extent that Category 1 applies. Examples might include vehicle repairs, erection of domestic extensions or outbuildings, change of use of agricultural buildings or breaches of planning control relating to hours of use.

Low priority – Breaches of planning control which cause little or no harm to the locality, for example, erection of fences or outbuildings marginally in excess of permitted development tolerances or minor variations to approved plans which have no material impact on the amenities of local residents.

Targets and timescales

- 5.6 An equal duty exists to the complainant and the alleged offender to resolve matters fairly and consistently. Planning applications and appeals have clearly defined targets for determination, for example 8 weeks for a planning application. Defining targets for enforcement cases is less straightforward to as there are many variables which are beyond the Council's control. For the process to be transparent and fair to all the following targets may be defined'

Complainant:

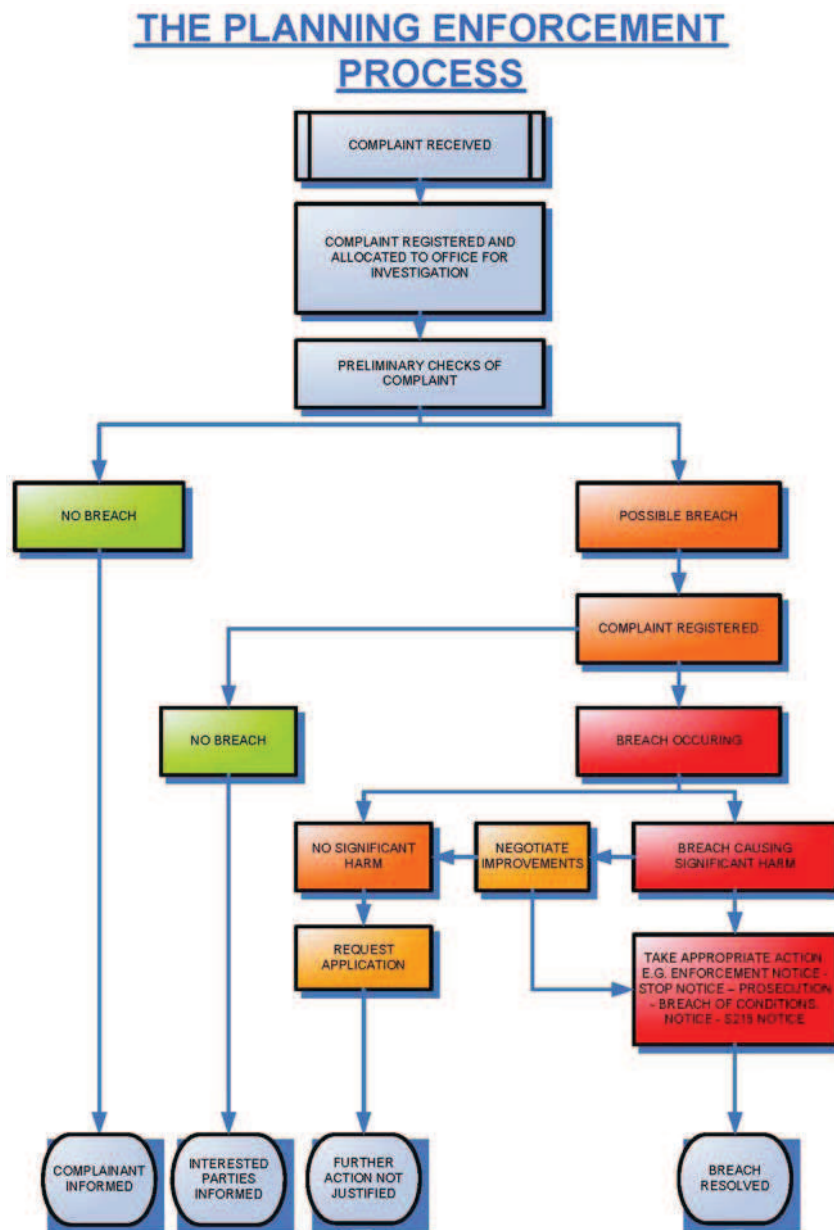
- complaint acknowledged within 5 working days
- site visit within 5 working days wherever possible
- Complainants advised of progress at significant stages throughout the process
- notify complainant when notice issued within 10 working days

- notify complainant if appeal lodged within 10 working days
- notify complainant of closed case and reasons why within 10 working days

Owner:

- Contact owner/occupier and visit site within 10 working days
- If breach identified, advise owner/occupier of the remedial steps required, timescale and consequences of taking no action within 10 working days of site visit
- If breach accords with planning policies request application for retrospective planning permission to be submitted within 14 days
- If development does not accord with policy allow a reasonable period (at least 14 days dependent on the type of breach) to rectify voluntarily
- Failing the above, seek authority to take appropriate action to rectify breach
- Send letter before action giving prior notice of taking formal action
- Notify offender of proposed course of action

5.7 The enforcement process may be represented in a simplified format using a flow chart to show the main stages in the investigation of an alleged breach as example below:



Outcome of investigation

5.8 There are several possible outcomes of an enforcement investigation, which may be summarised as follows:

- Breach rectified
- Retrospective application
- No breach identified
- Breach identified but not expedient to take action
- Development immune from enforcement action
- Formal enforcement action

A range of powers are available when a negotiated resolution cannot be achieved.

- Enforcement notice
- Breach of Condition Notice
- Planning Contravention Notice
- Stop Notice
- Untidy Site Notice (S215)
- Prosecution
- Advertisement proceedings
- Injunction

The majority of decisions on enforcement matters are made under powers delegated to the Chief Planner by this Committee. However Members are entitled to call in any case for more detailed consideration by Plans Sub Committee, for example more contentious cases which are of wider public interest.

Conclusion

5.9 It is therefore recommended that a Local Enforcement Plan is prepared for adoption by the Council based on the matters outlined above and incorporating the recent changes in legislation introduced by the Localism Act. The policy should also reflect the guidance contained in the recent NPPF. A copy of the Plan will be placed on the Council website for the benefit of local residents and property owners alike.

London Borough of Bromley

Report No.
ES03248

PART 1 - PUBLIC

Agenda
Item No.

11

Title: **ENFORCEMENT POLICY**

Decision Maker: **Chief Planner** **Decision Date:** **14 Oct 2003**

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

Budget/Policy Framework: Within policy and budget

Chief Officer: Chief Planner

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

Ward: Borough-wide

1. SUMMARY

- 1.1 In 1989 the Carnwath Report ("Enforcing Planning Control") was published. It made a number of recommendations to Local Planning Authorities to ensure the effective enforcement of planning control. One of the report's main recommendations was that consideration should be given to preparing a practice manual for Local Planning Authorities on all aspects of planning enforcement work.
- 1.2 The Government's response was published in July 1997 in the form of Circular 10/97 ("Enforcing Planning Control: Legislative Provisions and Procedural Requirements"). Circular 10/97 was accompanied by a detailed practice manual ("Good Practice Guide for Local Planning Authorities"). The guidance takes the form of a comprehensive manual, dealing with the whole range of enforcement procedures, including investigation of alleged breaches, deciding whether to take enforcement action, issuing enforcement notices, PCNs, BCNs, appeals prosecutions, etc.
- 1.3 Chapter 1 of the Good Practice Guide suggested that each Local Planning Authority should produce a statement of enforcement policy to provide a decision-making framework. This report outlines such a policy statement and recommends that such a policy is adopted to provide a formal framework for making decisions on enforcement matters.

2. RECOMMENDATIONS

- 2.1 **Members to note the report and consider whether they wish to adopt the policy statement.**

3. COMMENTARY

Scope and Content

3.1 The Good Practice Guide recommends that an enforcement policy should address the following issues –

- (1) the main planning policies applicable in the Council's administrative area, as set out in the adopted Unitary Development Plan;
- (2) the type and incidence of enforcement problems;
- (3) the resources (financial and staff) to be devoted to enforcing planning control, as part of the Authority's planning function or in association with their other enforcement responsibilities;
- (4) the procedure for dealing with complaints about alleged unauthorised development and other breaches of planning control;
- (5) any special planning enforcement issues the Authority may anticipate (e.g. unauthorised tipping of waste or the stationing of residential caravans on privately owned land without planning permission); and
- (6) how the Authority intends to monitor development on sites where the building control function is not being carried out by the Authority.

3.2 The enforcement policy should refer to the following matters:

1. PPG18 "Enforcing Planning Control" and other relevant guidance (eg 10/97) (national policy).
2. The Unitary Development Plan.
3. The need to protect more sensitive areas such as Green Belt, Conservation Areas, Areas of Outstanding Natural Beauty, Areas of Special Local Character, and other specially protected areas.
4. Achieving a balance between protecting amenity and other interests of acknowledged importance, and enabling an otherwise acceptable development to take place. This includes exercising reasonable control over unauthorised development and an assessment of the planning merits where no application has been received.

3.3 The relevant guidance makes it clear that enforcement action should not be taken solely because permission has not been sought or granted, or to compel the owner to apply for permission in order to obtain an application fee. It remains a fundamental principle of planning law that it is not an offence to carry out development without planning permission. It is only where the development is subject to an effective enforcement notice that an offence has been committed.

Planning Charter Standards

3.4 Planning Charter Standards were set out in 1994 by the government and National Planning Forum, recommending that Local Planning Authorities adopt a Citizens Charter Standard for planning enforcement. The Charter Standards included specific

performance indications, eg. acknowledging complaints within 3 working days of receipt, visiting the site to establish what was taking place and advising the complainant within 15 working days of what action is proposed. In most cases, these standards are currently met in Bromley wherever possible.

The Enforcement Concordat

- 3.5 In March 1998 Central Government in partnership with local authority associates and businesses prepared a document entitled "The Enforcement Concordat - Principles of Good Enforcement : Policy and Procedures". A copy is attached at Appendix 1. This was directed primarily at, for example, environmental health and related legislation and had only limited applicability to the planning process. The Concordat recommends that the voluntary sector could further assist Local Planning Authorities in their enforcement duties by alerting the Councils to breaches of planning control ensuring developers comply with planning conditions and encouraging proactive enforcement. In practice, this already occurs to a significant extent in Bromley.

Planning Users Concordat

- 3.6 In July 2000 the Local Government Association in conjunction with the business sector (developers, builders, etc) and the voluntary sector (interest groups, local organisations, amenity societies etc.) agreed a "Planning Users Concordat". This agreement sets out the rules, priorities and responsibilities of the three main parties and promotes more effective collaboration in the planning process. Councils have been encouraged to take the Concordat through the democratic process and adopt the agreement in order to develop partnerships and deliver a high quality planning service.

Best Value

- 3.7 Using Best Value Performance Indicator BVP1 112 Checklist of Planning Best Practice as a template, it sets out recommended best practice principles for each stage of the planning process:-
- development plans;
 - non statutory supplementary planning guidance;
 - planning applications lodging at pre applications discussions; agreement of a timetable; submission of the application; consultation and community involvement; decision making and agreement of planning obligations; planning appeals; and implementation, monitoring and enforcement.

TAKING ENFORCEMENT ACTION

'Expediency'

- 3.8 Parliament has expressly left it to the Local Planning Authority to decide whether enforcement action is appropriate or necessary. In deciding whether to take enforcement action, the Local Planning Authority must consider whether it is "expedient" to do so. This involves the exercise of discretion, having regard to the relevant policies in the Unitary Development Plan, the planning merits of the case and any other material considerations. If the development or use accords with Unitary Development Plan policies and does not cause demonstrable harm to any interests of acknowledged

importance (e.g. visual amenity, residential amenity or highway safety), then it may not be considered expedient to take formal enforcement action.

- 3.9 If no retrospective application is submitted, an assessment of the planning merits of the unauthorised development or activity is necessary before making a decision as to whether to take formal enforcement action. The guidance makes it clear that Local Planning Authorities should not take enforcement action solely to regularise development which is otherwise acceptable or obtain a fee for an application. No weight should be given to the fact the development has already taken place when deciding whether to take action. In balancing private and public interests, Local Planning Authorities should not be pressured into taking formal enforcement action to protect or further private interests, particularly where this would not be in the public interest.

Policy Guidance

- 3.10 The general policy and approach to enforcement is set out in PPG18 ("Enforcing Planning Control"). This advises that the determining issue in each case is whether the alleged breach of planning control would unacceptably affect public amenity or the existing use of land or buildings meriting protection in the public interest (rather than private interest).
- 3.11 The alternatives to taking formal enforcement action are to invite a retrospective planning application or to take no further action. In the event of an application being received, it should be considered in the same way as an application for proposed development. The fact that it is retrospective should make no difference to the Local Planning Authority's consideration of the planning merits. Where appropriate, account should be taken of the views of neighbours and other interested parties (highway authority, statutory consultees, etc.).

Investigation of Complaints

- 3.12 When a complaint is received by the Local Planning Authority alleging that a breach of planning control is taking place, the various stages in the investigation process are summarised in the attached diagram (Appendix 1). This sets out the steps taken to investigate alleged breaches and the timescales involved at each stage, including keeping the relevant parties informed.
- 3.13 The investigation and resolution of alleged breaches of planning control tends to be labour intensive and can be very time consuming. The effectiveness of the enforcement service is largely dependent on available staff resources and the workload at the time. The Council currently receives around 1200 complaints about alleged breaches of planning control each year, compared with less than 900 in 1994. The complaints are currently dealt with by 3 full-time Planning Investigation Officers and a Technical Clerk under the direction of the Development Control Manager. However, one Planning Investigation Officer retired in March 2003 and has not been replaced which is affecting the level of service provided.

Priorities for Investigation

- 3.14 The expectations of the 'customer' regarding the time taken to investigate their complaint have increased in recent years, and it is not always possible to carry out the investigation

as quickly as it should be. In view of the increasing number of complaints, an informal system of priorities has been devised, as follows:

1. Top priority to complaints received from Members and to the more serious breaches of planning control, such as cases where construction work is in process requiring immediate action to stop unauthorised development.
2. Complaints about untidy sites, unauthorised changes of use, breaches of conditions, etc. where immediate action is not essential but may be required in the short to medium term.
3. 'Householder' complaints involving a wide range of alleged breaches concerning extensions, business activities, fences and walls, parking of commercial vehicles, etc.
4. Finally, currently of lowest priority are complaints relating to adverts, hoardings and flyposting, but where action may be required in the medium to long term.

3.15 The priorities set out above and the timescales set out in Appendix 1 are considered to be reasonable in the context of current resources and workload. However they may be subject to review in the event of a change in circumstances (e.g. a significant increase in the number of complaints or further staff changes).

3.16 The content of the policy statement is largely dependent on the priority given to the enforcement of planning control and the resources allocated to the function. The staff resources currently allocated to planning enforcement is a reflection of the relatively high priority given to the function in Bromley. The Council currently receives around 1200 complaints concerning alleged breaches of planning control each year, (ie approximately 400 cases per Investigation Officer per annum). The current staff levels are considered to represent the minimum necessary to provide an efficient and cost effective planning enforcement service in Bromley.

OTHER CONSIDERATIONS

"Unreasonable" Conduct

3.17 Although the decision whether to take enforcement action is at the Local Planning Authority's discretion, this is not unfettered. For example, the decision must not be "unreasonable" (in the judicial sense of "Wednesbury unreasonable"). Examples of "unreasonable" conduct are set out in Circular 8/93 ("Award of Costs"), e.g. a decision to take enforcement action based on inaccurate or incorrect information, where there are no planning grounds or where there is insufficient evidence that a breach of planning control has occurred. If an appeal to the Secretary of State is successful and the Inspector agreed that the Planning Authority has been "unreasonable", the notice may be quashed and costs awarded against the Council.

Judicial Review

3.18 More rarely, an Authority's decision to take, or not to take, enforcement action may be challenged in the High Court, by judicial proceedings. However, a decision not to take enforcement action will not normally be reviewed unless it is based on an error of law, or it is arbitrary or capricious. Failure to take action may also be the subject of a complaint of maladministration to the Local Government Ombudsman, which if proven, may result in payment of compensation to the complainant.

3.19 The Local Planning Authority should have regard to relevant judicial authority in deciding whether formal enforcement action is appropriate. Legal advice may be required before a

decision is taken, and exceptionally Counsel's opinion sought, particularly where there are conflicting legal opinions as to what action should be taken.

Injunctions

3.20 When deciding to take formal action, the Local Planning Authority must be satisfied that there is sufficient evidence to show that the alleged breach has taken place. A Local Planning Authority cannot authorise enforcement action in anticipation of a breach of planning control which has not yet occurred. However, injunction proceedings may be taken to enable an "actual or apprehended breach of planning control to be restrained". Although injunctions may be more costly, they can be much quicker and more effective in restraining serious breaches of planning control where urgent action is required.

4. POLICY IMPLICATIONS

4.1 This report is in accordance with Strategic Aim 2 of the current DCC Service Plan which states:
"To protect and enhance the quality of the built and natural environment by effective planning enforcement".

5. FINANCIAL IMPLICATIONS

5.1 None

6. LEGAL IMPLICATIONS

6.1 The Director of Legal Services will advise on any legal implications

Non-Applicable Sections:	7. PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	[Title of document and date]

APPENDIX 1 - INVESTIGATING AN ALLEGED BREACH OF PLANNING CONTROL CONTROL

- 1 **Complaint received**
- 2 **Acknowledge receipt of complaint**
3. **Investigation** – may take several weeks to establish facts & obtain evidence
(10-15 days)
 - identification of owner/occupiers (Land Registry Search)
 - site visit (may require several visits)
 - site meeting with owner/occupier/agent, if required
 - site observations, photographs
4. **Assessment**
 - a. Site meeting
 - b. Invite application (21 days), if appropriate
 - c. Cease development/activity – stop notice, if appropriate.
 - d. Letter to owner/occupier and await response (allow 21 days)
 - e. If application received – Hold enforcement action in abeyance until application determined, (2 months)
 - f. If no application and breach continues – decide whether enforcement action expedient.
 - g. Determine under Delegated Authority or report to Plans Sub-Committee
Recommendation
 - no further action,
 - defer for further investigation, monitoring, (eg. PCN)
 - request application
 - enforcement action – specify remedial action requiredIf breach rectified – no further action.
 - h. Advise complainant and owner/occupier of decision and action being taken.

5. Enforcement action authorised –

Prepare instructions for S16 Notice and enforcement notice for Council's Solicitors
Issue S16 and await response (allow 14 days)
Response to S16 received
Land Registry Search
Enforcement Notices drafted by Solicitor
Draft received and approved/amended, as appropriate
Receive engrossments
Serve Notices

If appeal lodged – await Planning Inspectorate decision

If no appeal – await effective date of notices
Monitor unauthorised development/use
Site inspection after compliance period expires
Confirm whether notices complied with
Compliance – no further action
Non-compliance – legal proceedings/prosecution commenced

Background Documents referred to during production of this report:

1. Circular 10/97 – “Enforcing Planning Control” (1997)
2. “Good Practice Guide for Local Planning Authorities” (1997)
3. “Planning – Charter Standards” – (DoE, Welsh Office and National Planning Forum, 1994)
4. PPG18 – “Enforcing Planning Control” (1991)
5. Report by Robert Carnwath QC – “Enforcing Planning Control” (1989)
6. “Planning Users Concordat” – LGA (2000)
7. “Planning on Building” leaflet – LBB (1998)

APPENDICES

1. Investigation of Alleged Breach of Planning Control – Flowchart

Report No.
DRR/13/076

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Thursday 20 June 2013

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

Title: PLANNING ENFORCEMENT - QUARTERLY MONITORING
REPORT (JANUARY - MARCH 2013)

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

Chief Officer: Chief Planner

Ward: (All Wards);

1. Reason for report

1.1 This report provides a summary of enforcement activity for the period 1 January to 31 March 2013.

1.2 The majority of enforcement action was authorised by the Chief Planner under delegated authority. Although Members have call-in powers only 4 contravention cases were reported to Plans Sub Committee during the first quarter of 2013.

2. **RECOMMENDATION**

For information.

Corporate Policy

1. Policy Status: existing
 2. BBB Priority: Quality environment
-

Financial

1. Cost of Proposal: N/A
 2. Ongoing costs: N/A
 3. Budget head/performance centre: Planning – Appeals and Enforcement section
 4. Total current budget for this head: £285k
 5. Source of funding: Existing revenue budget 2013/14
-

Staff

1. Number of staff (current and additional): 4
 2. If from existing staff resources, number of staff hours: not applicable
-

Legal

1. Legal Requirement: Town and Country Planning Acts
 2. Call-in: not applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): approx. 800 complaints
-

Ward Councillor Views

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

3. COMMENTARY

- 3.1 During the first quarter of 2013 the Council received 180 complaints concerning alleged breaches of planning control. This compares with approximately 205 complaints over the same period in 2012 and 162 in 2011.
- 3.2 The majority of cases were resolved by negotiation and no further action was required. Enforcement action was authorised in 38 cases, as detailed in **Appendix 1**.

The action authorised fell within the following main categories:

Type of Notice	Action authorised
Operational Development	15
Material Change of Use	2
Untidy Site	8
Breach of Condition	0
Planning Contravention Notice	7
Advertisements	3
Prosecution	3
Total	38

- 3.3 During the same period 27 enforcement notices were issued. Details of all enforcement notices issued are circulated to all Members each month so are not repeated here.
- 3.4 Many enforcement notices are the subject of appeals and 3 enforcement appeals were received during the quarter.

94 Birch Tree Avenue, West Wickham – unauthorised construction of a raised timber decking area including steps and railings.

1 Bassetts Way, Orpington – unauthorised erection of a wooden fence, incorporating a wooden gate, adjacent to the highway height ranging between 2.010 and 2.92 metres.

Bromley Common Liveries, Cameron Buildings, Bromley Common – unauthorised erection of a large steel scaffolding structure with corrugated steel sheet roof

- 3.5 A number of notable enforcement cases have been investigated or concluded during the quarter including the following:

- **25 Church Road, Crystal Palace** - unauthorised external alterations – no further action. Alleged change of use to church - Planning Contravention Notice issued
- **Fairtrough Farm, Pratts Bottom** – various breaches including unauthorised change of use to residential, equestrian activities, etc. Breaches rectified
- **39 Selby Road, SE20** – conversion to 5 flats and 2 storey rear extension. Breaches rectified
- **Archies Stables, Cudham Lane** – unauthorised use as traveller site
- **148 Croydon Road, Keston** – extension of traveller site, appeal decision awaited

- **Lower Hockenden Farm, Swanley** – various breaches including unauthorised storage of machinery, deposit of waste, untidy site, erection of building, etc
- **Hampton Hall, 1A Holbrook Lane** – direct action to remove rooflights
- **The Elms, Mottingham Lane, Mottingham** - unauthorised mobile home and hardstanding – appeal dismissed, breach rectified
- **L/A Knockholt Station** – injunction proceedings against unauthorised extension of waste transfer station and use of land for storage of skips/containers, planning application determined and appeal outstanding

3.6 Failure to comply with an enforcement notice is a criminal offence against which legal proceedings can be taken. 3 prosecutions were authorised during the quarter and the Council's solicitors were instructed to commence legal proceedings in the magistrates court.

3.7 It is a criminal offence to display advertisements without consent under the Control of Advertisement Regulations and proceedings were authorised in 3 cases involving the unauthorised display of advertisements. Further details are set out in Appendix 1.

3.8 A substantial number of complaints were received which on further investigation did not involve breaches of planning control and were not recorded in the planning enforcement monitoring system. These include civil matters such as boundary disputes, anti-social behaviour, highway issues and other matters which fall beyond the remit of planning control. Liaison with other Council Departments and agencies is therefore necessary in an effort to resolve residents' concerns.

3.9 Imminent changes to the General Permitted Development Order are likely to increase the number of complaints particularly regarding permitted development for residential extensions and certain changes of use. Although intended to stimulate the economy by relaxing planning controls over minor development there are concerns that the changes may result in an increase in neighbour disputes and potential loss of amenity, in particularly in environmentally sensitive areas.

3.10 Finally, with regard to personnel, one of the Department's 3 Planning Investigation Officers is due to retire in June 2013. His replacement is unlikely to be able to commence work until later this year which may have a short term effect on responding to complaints.

Non-Applicable Sections:	Policy, Financial, Legal and Personnel Implications
Background Documents:(Access via Contact Officer)	

APPENDIX 1

Delegated Enforcement Action (January to March 2013)					
ENF Ref	Complaint	Site	Ward	Recommendation	Decision date
12/00488	Unauthorised chimney flue	17 Station Road, Penge	Penge and Cator	Enforcement - OPDEV	9.1.13
12/00546	Unauthorised roof terrace above permitted extension	Garland Hill Farmhouse, Chapmans Lane	Cray Valley East	Enforcement - OPDEV	9.1.13
12/00702	Untidy site	13 Chislehurst Road, Orpington	Petts Wood and Knoll	S215	16.1.13
12/00188	Hardstanding, blockwork and wall - Green Belt	land opposite Valecrest and Raybrook, Highfield Road	Biggin Hill	Prosecution	16.1.13
12/00691	Untidy site	39 Cloonmore Avenue, Orpington	Chelsfield and Pratts Bottom	S215	23.1.13
12/00580	Unauthorised ground works	land between Star Lane and Chapmans Lane	Cray Valley East	Planning Contravention Notice	23.1.13
12/00636	Untidy site	25 Ribston Close, Bromley	Bromley Common and Keston	S215	23.1.13
12/00331	Unauthorised front boundary wall and gates	54 Marlings Park Avenue, Chislehurst	Chislehurst	Prosecution	29.1.13
13/00041	Front boundary wall with railings, brick piers and sliding gates	49 Clarendon Way, Chislehurst	Chislehurst	Enforcement - OPDEV	11.2.13
13/00054	Alleged change of use from Bingo hall to church & community use	25 Church Road, Anerley	Crystal Palace	Planning Contravention Notice	11.2.13
12/01647	Not in accordance with approved plans - 11/00639 - gable end roof above ground floor garage and new windows to front, side and rear elevations	46 Kings Avenue, Bromley	Plaistow and Sundridge	Enforcement - OPDEV	11.2.13

12/00667	Overheight decking in rear garden	9 Duggan Drive, Chislehurst	Chislehurst	Enforcement - OPDEV	20.2.13
12/00734	Unauthorised bin store and garages in front garden	Tudor Court, 131 Hawes Lane, West Wickham	West Wickham	Enforcement - OPDEV	20.2.13
12/00591	Untidy site	8 Melody Road, Biggin Hill	Biggin Hill	S215	20.2.13
12/00695	Unauthorised roof extension	20 Melanda Close, Chislehurst	Chislehurst	Enforcement - OPDEV	20.2.13
12/00178	Development not in accordance with approved plans	4 Fairview Drive, Orpington	Chelsfield and Pratts Bottom	Enforcement - OPDEV	20.2.13
12/00519	Alleged over-height decking	18 The Crescent, West Wickham	West Wickham	Enforcement - OPDEV	26.2.13
12/00544	Satellite dish	43 Belvedere Road, Anerley	Crystal Palace	Enforcement - OPDEV	26.2.13
12/00473	Not in accordance with plans 10/02826 - repositioned refuse store	1 Milverton Place, Bromley	Bickley	Enforcement - OPDEV	27.2.13
12/00589	Unauthorised internally illuminated projecting box sign	135-137 High Street, Beckenham	Copers Cope	Advert Proceedings	27.2.13
13/00049	Car sales from residential dwelling	9 Wolfe Close, Bromley	Hayes and Coney Hall	Planning Contravention Notice	27.2.13
12/00697	Unauthorised security railings	119 Maple Road, Penge	Penge and Cator	Enforcement - OPDEV	27.2.13
12/00752	Untidy site	2 Station Cottages, Chelsfield	Chelsfield and Pratts Bottom	S215	27.2.13
12/00675	Untidy site	36 Whitebeam Avenue, Bromley	Bromley Common and Keston	S215	27.2.13
12/00732	Unauthorised balustrade and single storey extension	244 Pickhurst Lane, West Wickham	Hayes and Coney Hall	Enforcement - OPDEV	27.2.13
12/00526	Untidy site	Fair Acres Estate, Hayesford Park, Bromley	Hayes and Coney Hall	S215	27.2.13
12/00580	Unauthorised groundworks	Lower Hockenden Farm, Hockenden Lane, Swanley	Cray Valley East	Planning Contravention Notice	25.2.13

12/00483	Alleged change of use - authorised sub-division	1 Orchard Lodge, William Booth Road, Penge	Crystal Palace	Planning Contravention Notice	25.2.13
13/00123	Change of use - equestrian use to traveller site etc	Archies Stables, Cudham Lane North, Cudham	Darwin	Enforcement – Material change of Use	6.3.13
13/00111	Unauthorised fence	8 Denbridge Road, Bickley	Bickley	Enforcement - OPDEV	1.3.13
13/00072	ATM machine, internally illuminated sign	209-211 Southborough Lane, Bromley	Bickley	Advert Proceedings	1.3.13
13/00073	ATM machine	209-211 Southborough Lane, Bromley	Bickley	Enforcement - OPDEV	1.3.13
10/00499	Breach of condition 03 of 08/02882 car wash	The Rising Sun, 166 Upper Elmers End Road, Beckenham	Kelsey and Eden Park	Prosecution	12.3.13
11/00600	Conversion of first and second floors and roofspace to form 3 two bedroom flats and 1 bedsit	73A High Street, Penge	Penge and Cator	Enforcement - Change of Use	13.3.13
12/00427	1 non-illuminated free standing advertisement boarding	330 Crofton Road, Orpington	Farnborough and Crofton	Advert Proceedings	13.3.13
12/00672	Alleged vehicle sales from residential property	58 Bushey Way, Beckenham	Shortlands	Planning Contravention Notice	28.3.13
12/00755	Alleged house clearance business	3 Oakdene Avenue, Chislehurst	Mottingham and Chislehurst North	Planning Contravention Notice	28.3.13
13/00047	Untidy site	land between 65 and 67A Cambridge Road, Penge	Clock House	S215 Notice	28.3.13

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Agenda Item 11

Report No.
DRR13/085

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Thursday 20 June 2013

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

Title: CHIEF PLANNER DELEGATED POWERS

Contact Officer: Jim Kehoe, Chief Planner
Tel: 020 8313 4794 E-mail: Jim.Kehoe@bromley.gov.uk

Chief Officer: Chief Executive

Ward: (All Wards);

1. Reason for report

An amendment is sought to the Chief Planner's delegated authority to enable determination of new 'prior approval' process introduced by legislation on 30 May 2013

2. **RECOMMENDATION(S)**

Changes to the Chief Planner's delegated authority be agreed

Corporate Policy

1. Policy Status: Not Applicable:
 2. BBB Priority: Quality Environment Vibrant, Thriving Town Centres:
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 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: Not Applicable:
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

From 30 May 2013 changes to permitted development were introduced. These include two new types of 'prior approval', which are akin to a simple planning application. Similar processes already exist for permitted development for agricultural buildings, telecommunications and demolition of buildings. The prior approval process requires a formal decision to be made.

As each type of prior approval is listed separately within the current delegated authority, Members agreement is sought to add the two new types of prior approval associated with permitted development for householders and changes of use in Parts 1 and 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

The Scheme of Delegation to Officers was updated and agreed at Full Council on 13 May 2013. It is suggested that the following paragraphs be added to the Development Control Committee powers which give the Chief Planner delegated authority:

In Section 27:-

(ix) determine whether prior approval is required in respect of transport and highway impacts, contamination and flooding risks with regard to changes of use under Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)

(x) determine applications for prior approval for householder extensions under Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)

In respect of the changes to permitted development, a briefing note has been circulated to Members and it is proposed to provide further guidance at a forthcoming seminar. There is also information on the Council's website at www.bromley.gov.uk/permitteddevelopment

Non-Applicable Sections:	Policy, Financial, Legal, Personnel
Background Documents: (Access via Contact Officer)	LB Bromley Scheme of Delegation, Town and Country Planning (General Permitted Development) Order 1995 (as amended)

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